

## TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

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Board of Selectmen Meeting Minutes

Approved

Monday August 30, 2010 6:00 P.M.

Town Offices

Member Present: Selectwoman Ashley O'Neill, Selectwoman Elizabeth Coughlin, Selectman Rick Reault, Selectman Robert Jackson.

Member Absent: Selectman Rich Lemoine,

Staff: Town Administrator Michael Gilleberto, Admin. Assistant Therese Gay

"The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law."

### 1. 6:00 P.M Open Meeting

The Chair opened the meeting and the Board was introduced. The Clerk read the agenda.

### 2. 6:05 P.M. New Business

- Eagle Scout

Mr. Stephen Hammer is working towards his Eagle Scout badge and is before the Board to present his project for the Tyngsborough Vietnam War Memorial. He has spoken to the Town Administrator, the Veterans' Agent and the residents behind the monument. Mr. Hammer's plan is to improve the aesthetics and ease of use of the Tyngsborough Vietnam War Memorial. First he will construct a 19 foot pathway from the sidewalk to the center of the memorial. The pathway will consist of stone dust with wood pieces on the sides of the pathway. The second pathway for the memorial will be a 17 foot pathway from the right side of the walk way to the flagpole. The third part will involve replacing the patchy grass at the center of the memorial with stone dust and adding flowers.

Select man Jackson thanked Mr. Hammer for the presentation, well spoken. The project is spectacular and is in full support. Selectwoman Coughlin congratulated Mr. Hammer, asked if he had notified dig safe, Mr. Hammer has. Selectwoman Coughlin asked if he had considered the lighting, Mr. Hammer had the lighting in his plan but because of complications he had to drop that part of the project. Selectman Reault asked when he plans to start the project, Mr. Hammer said that he would work on it on the Labor Day weekend and hopes to finish in one day. The Board thanked Mr. Hammer for coming in and wished him luck on his project.

- Pole Petition – Flint Road

Mr. Joe Gleason, representing Verizon, was present to explain the plan for flint Road. The Board voted 4-0-1 on a motion by Selectwoman Coughlin, second by Selectman Jackson to open the public hearing. The Clerk read the meeting notice. Mr. Gleason explained that pole #74/7 needed to be moved was to be used as a tether pole and to remove the tether from the pine tree. Mr. Doug Latulippe was concerned whether or not a tree would be taken down for the placement of the stub pole, Mr. Gleason reassured Mr. Latulippe that no trees was to come down. Because of the poorly drawn plan the list of abutters was not the correct one, and after some questions the Board voted 4-0-1 on a motion by Selectwoman Coughlin, second by Selectman Jackson to continue the hearing to Monday September 13, 2010. Mr. Gleason will have a clarification of the plan.

### **3. Citizen/Business Time**

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contracted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

- **Seniors – Senior Center Location**

A number of seniors attended the meeting last night as Jeanne Kareores read the letter signed by 33 members of our senior supporting the rehab/upgrade of the Winslow School to possibly become the Senior Center. It is a wonderful idea and hopefully it will become a reality.

Selectman Reault thanked the seniors for coming in and did clarify that the Board is looking toward the developer of Wynnbrook to help financially. The Board thanked the seniors for coming in and voicing their opinions.

- **Wine Society**

Mr. Charles Saunders spoke to the Board about his retaining his Wine and Malt Package Store License. His lease at the present address will expire at the end of August and he is looking to purchase a location shortly. He wants to expand his business to include the distribution of wines. He hopes to have the new location ready by the end of this year. The expansion will create new jobs. Mr. Saunders is looking for the Board's support of his change in location and his desire to expand. The Board thanked Mr. Saunders for coming in and informing the Board of his plans.

### **2. New Business cont'd**

- **6:45 P.M. License Transfer/Location/Manager Change Requests – Caffee Il Ciproso, 130 Middlesex Road**

The Chair opened the hearing and the Clerk read the legal notice. Charlene Rogers and Kathleen Delpero, owners and operators of Caffee Il Ciproso, came forward and presented their request for the transfer of an all alcoholic beverages license. They and their servers are all TIPS Certified. They will operate the business 7 days a week from the hours of 11AM to 2AM. They have the required liquor holders' liability license certificate.

The Board voted 4-0-1 on a motion by Selectwoman Coughlin, second by Selectman Jackson to transfer the all alcoholic beverages license to Delpero Enterprises, Inc. as amended to include all necessary papers to move forward.

Discussion on reviewing the application there was a question on the description of the property not included on the application; the property description will be attached.

The Board voted 4-0-1 on a motion by Selectwoman Coughlin to approve the change of manager of record to Charlene Rogers.

Delpero Enterprises, Inc. has submitted an application for weekday entertainment.

The Board reviewed the application and voted 4-0-1 on a motion by Selectman Jackson, second by Selectman Reault to approve the request for an weekday entertainment license, and to approve the general application submitted.

The Board voted 4-0-1 on a motion by Selectman Jackson, second by Selectwoman Coughlin to close the hearing.

- **Strategic Financial Planning Committee – Presentation**

Ms Karyn Puleo, Member of the SFPC was before the Board this evening to speak on the Capital Deb Exclusion Question on Tuesday, September 14<sup>th</sup> State Election Ballot. There will be two ballots for the voters to pick up, there will be one sign in. There will be an informational and a questions and answers segment on Tuesday, September 7<sup>th</sup>. There was an informational meeting on August 12 which is playing on Channel 8. The information on is the web site, on channel 8 and literature is available at the Town Hall offices and at the Library. Ms Puleo would like to remind the voters that they may submit their questions in advance to the Selectmen's Office. The Lowell Sun Report, John Collins will run a column in September. The Board thanked Ms Puleo for speaking to the Board and urges all the votes to come out and vote.

- **Mass DOT**

Mr. Ruderman, Manager of Rights of Way for MASS DOT is before the Board this evening to discuss the Rte. 113, Pawtucket Blvd relocation project. Mr. Ruderman presented the Board with a new plan and Land Damage Agreement. MASS DOT engineers have revised the plan as of 3PM on Monday afternoon. There were some discrepancies on some of the boundaries and have now made the necessary changes. The Board is concerned about the changes whereas the plan had been before the town's voters last August and was approved as presented on the former plan. The question of whether the Board can sign off on the new agreement will have to be sent to Town Counsel for review, and will revisit on Monday September 13 meeting.

- **Police Department**

Chief Mulligan is before the Board to discuss his Police Over-Time Account. He explained to the Board that he can no longer maintain the shift coverage as he has in the past. The Chief is seeking a grant for the Communications Division, if this grant is received he will be able to pay the Communication Specialists from this fund and the budgeted amount could be transferred to the Police Budget. Chief Mulligan is requesting support from the Board and the Finance Committee to consider a year-end transfer of funds from the Communications budget to the Police budget, if and when necessary to cover this potential over-time budget over-run. Without this an increase in the Police budget he would have to reduce shifts to below the minimum of three officers. It would reduce the over-time burden but would increase safety risks to the community. The Board will support the Chief's request and will place an article on the STM warrant to address this transfer. The Board thanked the Chief for coming in and for doing the best he can to keep the department operating and the town safe.

#### **4. Review/Approve Minutes**

- **Monday May 3, 2010**

The Board voted 3-1-1 on a motion by Selectman Jackson, second by Selectwoman Coughlin to approve the minutes of Monday May 3, 2010. Selectman Reault abstains from voting as he was not on the Board at this time.

- **Wednesday May 12, 2010**

- **Monday May 24, 2010**

The Board voted 4-0-1 on a motion by Selectman Jackson second by Selectman Reault to approve the Minutes of Monday May 12, and Monday May 24, 2010.

#### **4. Review/Approve and Not Release Executive Session Minutes**

- **Monday May 3, 2010**

The Board voted 3-1-1 on a motion by Selectman Jackson, second by Selectwoman Coughlin to approve but not release the Executive Session Minutes of Monday May 3, 2010. Selectman Reault abstains from voting as he was not on the Board at this time.

- Wednesday May 12, 2010
- Monday May 24, 2010

The Board voted 4-0-1 on a motion by Selectman Jackson second by Selectman Reault to approve but not release the Executive Session Minutes of Monday May 12, and Monday May 24, 2010.

## **5. Old Business**

No old business this evening.

## **6. Correspondence**

Documents are available online at [www.tyngsboroughma.gov](http://www.tyngsboroughma.gov)

The Board voted 4-0-1 on a motion by Selectman Reault, second by Selectman Jackson to accept the correspondence as read for discussion. Correspondence pulled – Two letters of resignation were received the first from Mr. Lantz resigning from the CPC and the second from Mr. O'Connor resigning from the Affordable Housing Partnership. The Police Report on Smokey Bones on underage drinking has occurred Selectman Jackson suggests having the manager in for a public hearing. Read the Police Chief's letter of commendation for the two officers who assisted in an attempted robbery at a resident's home. Selectwoman Coughlin would like the Police identify the areas where robberies or attempted robberies have occurred. A letter from Town Counsel on the procedures for the road acceptance asking the Board to consider a policy to have Town Counsel take all the necessary steps to complete the road acceptance.

The Board voted 4-0-1 on a motion by Selectman Reault, second by Selectwoman Coughlin to duly authorize Town Counsel to take all necessary steps to complete the road acceptance takings.

## **7. Selectmen's Reports**

- Selectman O'Neill – Strategic Financial Planning

Selectwoman O'Neill announced the Capital Debt Exclusion Ballot Question and answer is for schedule for September 7 at the Town Hall community room. I attended the Public Student Safety Academy there were 44 Tyngsborough youths that attended the academy. Also school starts tomorrow please be careful there will be many students walking and/or waiting for buses.

- Selectman Coughlin – Energy and Environmental Affairs/Licenses

The Democratic Committee co-sponsored a candidate debate at the Groton Dunstable Regional School tomorrow night at 7PM. I also attended the Sheriff's public safety program for youths, it is a good program and the youngsters enjoy it. The EEAC is moving forward with the season changes we are the agency for the insulation of the town hall and middle school. Selectwoman Coughlin spoke briefly on the licensing applications and the importance to have the proper information on the application. Also mentioned was the fact that the owners of the Dream Diner were not using their license as reported. It is important to operate during the hours listed on the license. After speaking to Town Counsel the Board can call for a show cause hearing.

- Selectman Reault – Northern Middlesex Council Of Government

The NMCOG is working on the Town's Affordable and Housing Plan, they are reviewing the role the partnership pays and the working relationship with the Tyngsborough Housing Authority.

- Selectman Lemoine – Economic Development

Selectman Lemoine was not present this evening.

- Selectman Jackson – The Early Childhood Center

Selectman Jackson has reported that the TECC Committee is moving forward they have 4 applicants for the citizen at large. I did send a letter to the COA Director concerning the seniors' interest in the Winslow school building to be used as a center and stated that I asked the questions concerning air quality, and the most economical way and also asked for an engineering analysis. Selectwoman Coughlin can contact the representative from the Dept. of Energy Resources and National Grid to do an audit of the Town Buildings.

Selectman Jackson did remind everyone that if you see anything strange or stranger around with flashlights please contact the police department.



## **8. Town Administrator's Reports**

Report is available online at [www.tyngsboroughma.gov](http://www.tyngsboroughma.gov)

- **Response to Selectmen's Requests**

I've met with Mr. Finnegan to discuss the Board's recent request concerning the Senior Center at Wynnbrook. There are many issues at play concerning this matter, including a comprehensive permit for the development, and the design of the development's footprint. He indicated that changing to original proposal may not be feasible, but there is still information to be gathered and that work continues.

Commonwealth Capital: preparation of 2011 Commonwealth Capital application continues and will be finalized ahead of the deadline of August 30<sup>th</sup>. A current draft is attached.

- **Budget**

Tyngsborough has been awarded additional federal education dollars, which will funnel through the state. More information regarding the impact of these dollars is forthcoming.

- **Departmental Information**

Building Commission: upon notification that the Building Commissioner will be leaving effective September 13, attached please find a job posting that I wish to advertise forthwith. Approval is Required. The Board voted 4-0-1 on a motion by Selectman Jackson, second by Selectman Reault to advertise the position of Building Commissioner. Discussion: Hiring an interim inspector will provide coverage while the Board is searching for a permanent inspector. The Board voted 4-0-1 on a motion by Selectman Reault, second by Selectman Jackson to hire Donald Crowell as the interim Building Inspector and to have the Town Administrator do the financial calculations, and to ask the Fire Dept. Captain to assist in the inspections. Post the interim position is necessary.

Attached is the request for Chapter 90 funds for a resurfacing program on the east side of Town. The delineation is included. Approval is required. The Board voted 4-0-1 on a motion by Selectman Reault, second by Selectman Jackson to go ahead with the resurfacing program.

- **Other**

Tyngsborough High School teacher Kate Capistrano has secured grant funding for display boards. They measure 8x8 (two 4x8 panels). She would like to place these boards in Town Hall and to display student work on them. Approval is required. The Board took no action this evening.

## **9. 8:30 P.M. Executive Session**

The Board voted 4-0-1 on a motion by Selectman Jackson, second by Selectman Reault to enter into Executive Session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations where an open meeting will have a detrimental effect on the subject matter, the Chair so declares and to exit executive session to return to open session only to adjourn. Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, absent; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; and Selectman Reault, yes. The Board entered into executive session at 9:35 P.M.

## **10. 9:30 P.M. Adjournment**

The Board voted 4-0-1 on a motion by Selectman Reault, second by Selectman Jackson to adjourn the meeting. The Board adjourned at 11:30 P.M.

Respectfully submitted

Therese Gay  
Admin Assistant

Approved on Monday, September 13, 2010

	Week of Month				
	1st	2nd	3rd	4th	5th
May			18	24	31
June	7	14	21	28	
July	5	12	19	26	
August	2	9	16	23	30
September	6	13	20	27	
October	4	11	18	25	
November	1	8	15	22	29
December	6	13	20	27	
January	3	10	17	24	31
February	7	14	21	28	
March	7	14	21	28	
April	4	11	18	25	
May	2	9	16	23	30
Other Meetings	12	12	13	13	5
2010 Fall Town Meeting	8	5	5	6	
	0	0	2	0	1
	1	1	3	1	1
	3	3	2	5	1
2011 Spring Town Meeting					

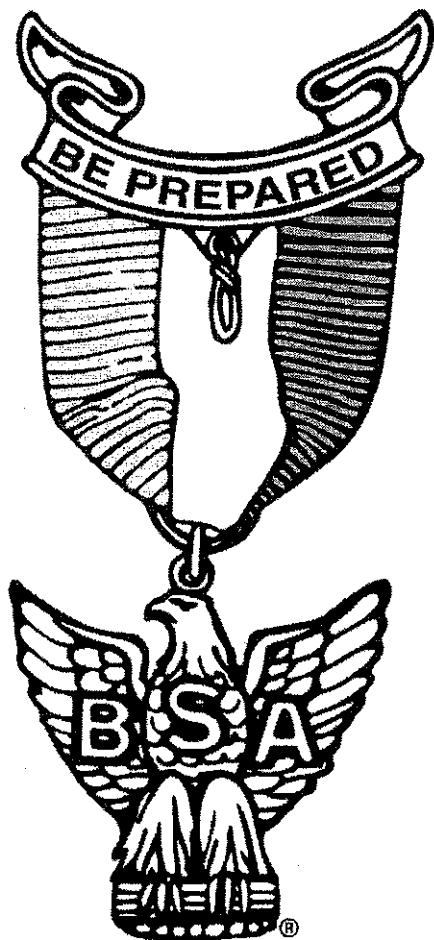
Thanksgiving Holiday  
 Christmas Holiday/New Years Holiday

55 Total Mondays in year  
 24 Total Meetings  
 3 Possible Work sessions  
 7 Holidays  
 14 Mondays available for additional meetings if necessary  
 48

BOS Meetings  
 Holidays  
 Work Session if needed

## **OPEN MEETING**

# Eagle Scout Leadership Service Project Workbook



Stephen James Hammer

Scout's name

79 Clover Hill Circle, Tyngsborough, MA 01879

Address

978-649-6796

09/18/1992

Telephone No.

Date of birth

Stevo1992@verizon.net

E-mail (optional)

46

Unit No.

Greater Lowell District

District

Yankee Clipper Council

Local council

Mr. Thomas Savage

Unit leader's name

108 Red Gate Road, Tyngsborough, MA 01879

Address

(978)-649-3004

Telephone No.

Jim Shea

Unit advancement committee person's name

Address

Telephone No.

# Project Description

**Project name:** Tyngsboro Vietnam Memorial Beautification Project

**Describe the Project you plan to do.**

My plan is to improve the aesthetics and ease of use of the Tyngsboro Vietnam War Memorial. First I will be constructing a 19 foot pathway from the sidewalk to the center of the memorial that will go between two pre-existing benches. The pathway will consist of stone dust with wood pieces on the sides of the pathway. The stone dust part of pathway will be approximately 4 feet wide with another 6 to 7 inches added on for the wood sides. The second pathway for the memorial will be a 17 foot pathway from the right side of the pre-existing walkway to the flagpole, which currently has no walkway to access it. This pathway will also be made of stone dust with wood sidings. The stone dust width will be 4 feet as well with another 6 to 7 inches for the wood sidings. The third part of the project will involve replacing the patchy grass at the center of the memorial with stone dust and adding in flowers.

**What Group will benefit from the project?**

The Town of Tyngsboro

978-649-2300 (Ext 100)

Name of religious institution, school, or community

Telephone No.

25 Bryant Lane

Tyngsboro

MA

01879

Street address

City

State

Zip code

**My project will be of benefit to the group because:**

The Town of Tyngsboro has not done anything to improve the Veteran's Memorial in years, and based on the fact that this memorial is in downtown Tyngsboro, it is seen by 100s of people on a daily basis. On town parades, a small ceremony is always held at the memorial. The town of Tyngsboro has no real funds to use on this memorial and so it has slipped into a state of decay. My project would greatly improve the quality of the memorial and help the memorial to show even more respect to the fallen soldiers' names listed on the plaques there.

**This Concept was discussed with my unit leader on: 7/27/10**

**The Project Concept was discussed with the following representative of the group that will benefit from the Project**

Mike Gilleberto  
Representative's name

Date of meeting  
978-649-2300 (Ext 100)

Town Administrator  
Representative's title

Phone No.

# **Project Details**

## **PRESENT CONDITION**

The Present Condition of the Memorial is not what it could or should be. The only pathways are skinny blacktop pathways that are covered in overgrown bushes and grass. The flagpole is far enough from the pathway that when it is used the people raising or lowering the flag would walk all over the grass. This is not a problem in the summer, but in the winter it can be quite a problem to get to the flagpole. The center of the memorial where the actual plaques are needs a touch up as well. The grass is patchy and covered with moss and trash, and the ground is uneven. For a disabled veteran wishing to read the names on the plaques, they would have to walk over this ground to reach the monument. Also, a lighting set that has been installed is completely broken and covered in lime. It looks like it will not work at all and should be replaced.

## **Pathway Design**

The pathways that will be constructed are going to be made of stone dust and wooden siding to keep the pathway in shape. The foundation of the pathway will be 4 inches deep and 4'7" wide. The wooden sidings will first be placed in the sides of the foundation and positioned. After the wooden sidings are positioned and placed, the stone dust will be poured into the 4 foot gap between the sidings and smoothed out until the stone dust is at the same level with the wooden sidings. The center pathway will measure 19 feet long, and the flagpole pathway will measure 17 feet long.

## **Preparing the site**

<b>STEP 1</b>	Deploy a tarp to the left of the memorial site. This will serve as the dumping site for the Stone Dust/ Gravel.
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<b>STEP 1</b>	Mark out areas on grass that are to be where the new pathways will be. I will personally do this step.
<b>STEP 2</b>	Remove the grass in the marked areas with shovels and then move removed grass into a pile. I will direct the scouts as to how I want the grass to be removed and where the pile shall be.



### STEP 3

Dig out a 4 inch deep trench in the areas with the removed grass. I will show the scouts exactly how deep 4 inches is and I will be checking with a tape measure often to make sure the scouts are only digging down 4 inches.

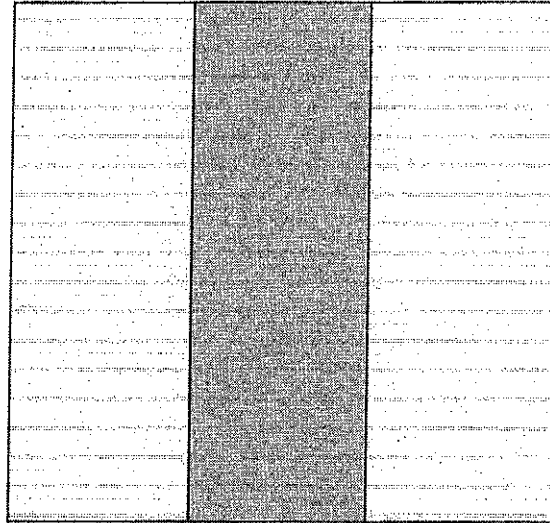


FIGURE A: What the trench should look like with removed grass.

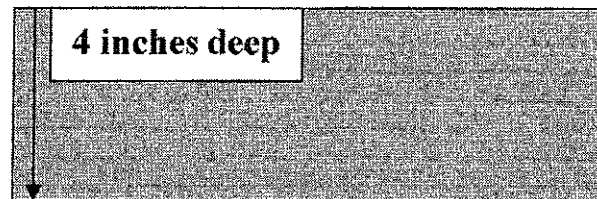


FIGURE B: The Trench should only be 4 inches deep

### STEP 4

Removed dirt will be collected into one pile in which I will designate where it will be.

## STEP 5

The Wooden sidings will be brought in and placed into the sides of the foundations. I will have the sides labeled so I know which pieces of wood will go into which pathway. This is because some pieces will have to be cut to fit in the pathway.

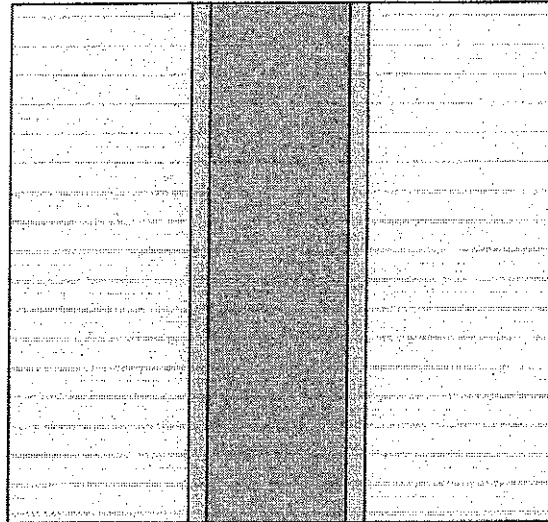


FIGURE C: Trench with wooden siding (4x4 posting)

## STEP 6

After the wooden sidings are properly positioned in the foundation, the gravel will be brought in and the middle of the foundation will be filled half way with the gravel and smoothed out until the gravel is at a halfway point with the wooden sidings.

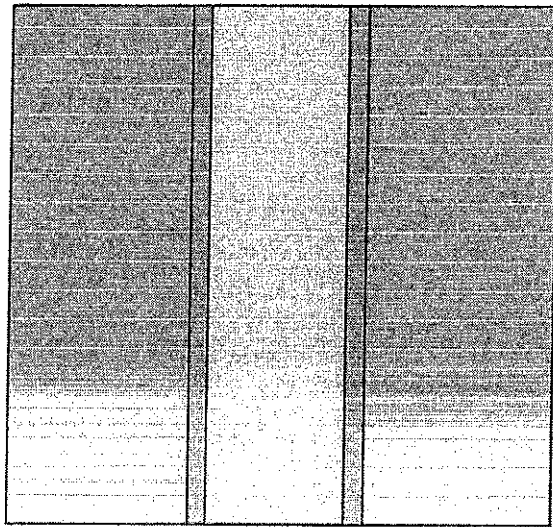


FIGURE D: Trench filled with gravel

## STEP 7

After the gravel has been placed in the foundation, the stone dust will be brought in and the middle of the foundation will be filled half way with the stone dust and smoothed out until the stone dust is at an even point with the wooden sidings. Excess stone dust will be scooped up and used for the other pathway/center.

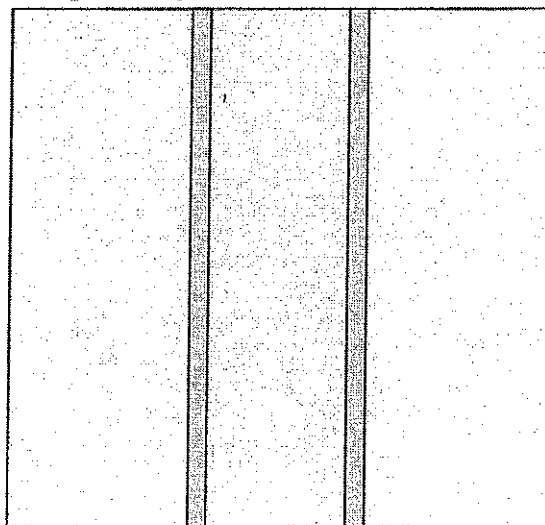


FIGURE E: Trench topped off with Stone Dust.

## STEP 8

Depending on how many Hand Tampers we have, the scouts will use the hand tampers to compress the stone dust.

## Constructing the Center Memorial bed.

### STEP 1

Mark out areas on the grass where the stone dust will eventually go. Also, areas will be marked out in front of the 3 memorial stones where the flowers and . I will personally do this step.

### STEP 2

Remove the grass in the marked areas with shovels and then move removed grass into a pile. I will direct the scouts as to how I want the grass to be removed and where the pile shall be. Special attention shall be paid to the center where the light fixtures are and the areas that will not be touched at this step.

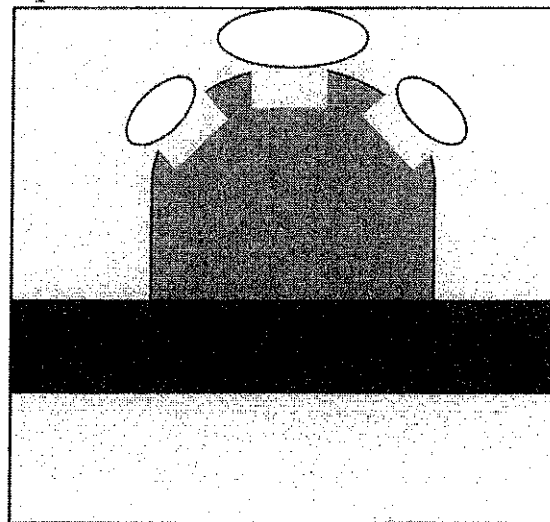
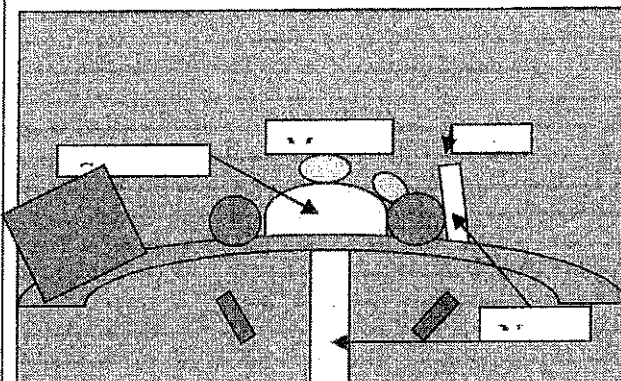
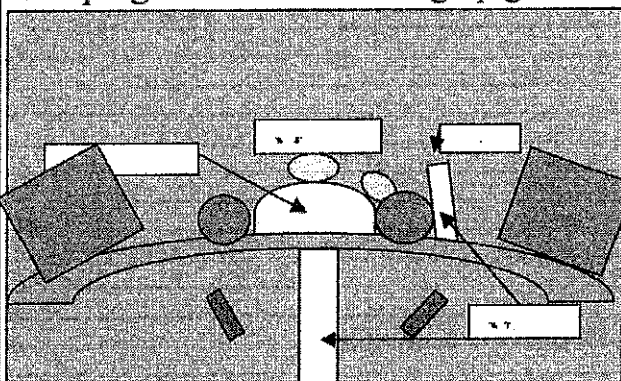


FIGURE E: Center memorial with removed grass.

### STEP 3

Dig out a 4 inch deep trench in the areas with the removed grass. I will show the scouts exactly how deep 4 inches is and I will be checking with a tape measure often to make sure the scouts are only digging down 4 inches.

	 <p>FIGURE i: Blue square representing first tarp.</p>
<b>STEP 2</b>	<p>Deploy a tarp to the right of the memorial site. This will serve as the dumping site for the Dirt/dug up grass.</p>  <p>FIGURE ii: Second blue square representing second tarp.</p>
<b>STEP 3</b>	<p>Bring in the gravel/stone dust and place it on the left tarp</p>

## Constructing the Pathways

(Note: Unless specified, all of the volunteers will be working on a step.)

## STEP 4

After the dirt has been removed, the gravel will be brought in and spread into the 4 inch depression making a 2 inch layer

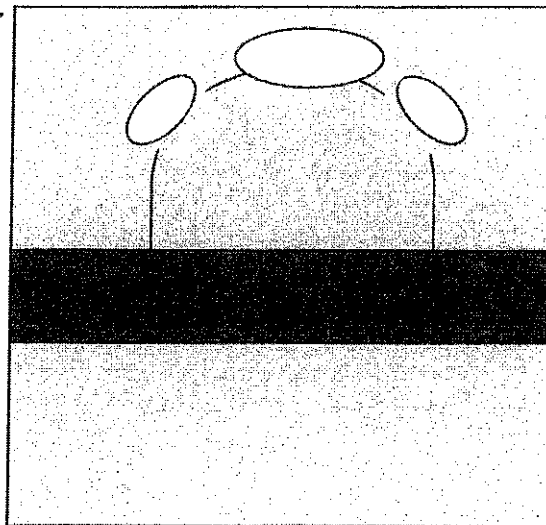


FIGURE F: 4 inch trench filled with stone dust

## STEP 5

Next the stone dust will be brought in and added over the gravel to fill up the rest of the depression.

## STEP 6

Depending on how many Hand Tampers we have, the scouts will use the hand tampers to compress the stone dust.

## STEP 6

3 volunteers will remove the grass marked out in front of the memorial stones.

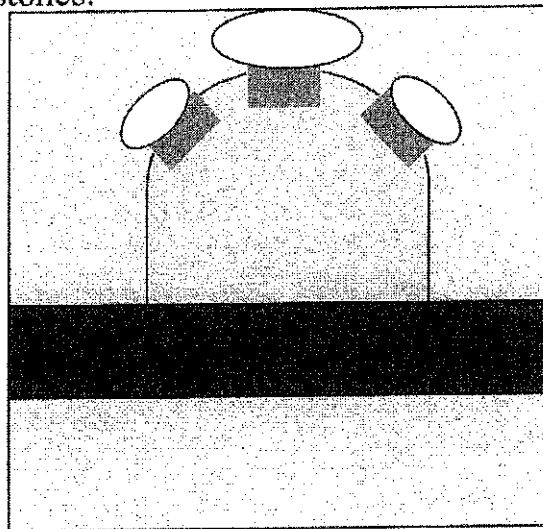


FIGURE G: Grass removed from in front of the memorial stones.

## STEP 7

3 volunteers will then apply the mulching in the areas that have been removed of grass



## STEP 8

3 volunteers will plant the flowers into the center of the mulch patches in front of the three memorials.

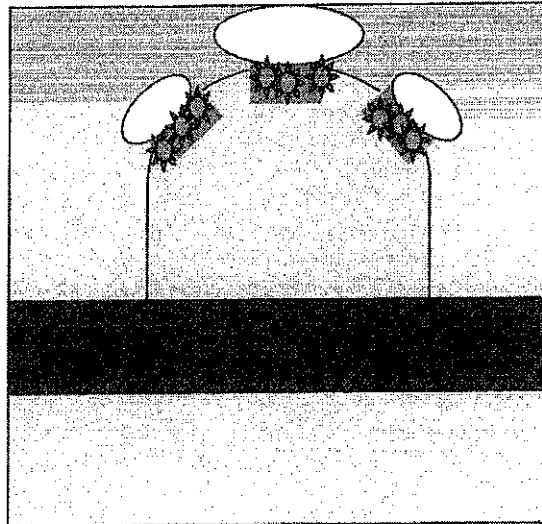


FIGURE H: Memorial Center with mulch and flowers.

**NOTE:** I will be contacting Mike Gilleberto about removal of the dirt/grass for the end of the project. Also, I may be able to acquire a roto-tiller and mechanical compactor, but I will have to check to see if I can use them.

### Materials Required

ITEM	AMOUNT NEEDED	PRICE	How/Where it will be acquired
Stone dust	2 cubic yards	\$45 a yard (\$90)	Tyngsboro Gardens (Local landscaping store)
Stone Gravel	2 cubic yards	\$45 a yard (\$90)	Tyngsboro

			Gardens
Wood siding (4x4)	72 feet of 4x4 post	\$0	Hood Industries Donation
Shovels	6-10 minimum	\$0	Brought in by Volunteers/self
Wheelbarrow	1 minimum	\$0	Brought in by Volunteers/self
Tape Measure	1	\$0	Will bring in personal tape measure
Hammer	1 minimum	\$0	Brought in by volunteers/self
Outdoor Flood Lights	1	\$10-\$20	Home Depot
Mulch	4 cubic feet	\$0	Will bring in extra mulch from home
Simple Flowers	9 individual plants	\$12-\$20	Home Depot
Hand Tamper	1 minimum	\$0	Brought in by Volunteers/self
Rake	1 minimum	\$0	Brought in by Volunteers/self
Tarp (9 feet x12 feet)	2	\$0	Brought in by self
<b>TOTAL COST- \$247\$-\$265</b>			

## **FOOD**

All food required during the entirety of the Eagle Scout Project will be provided by my Parents.

**Funding for the Project-** Most of what I will have to buy will be from Tyngsboro Gardens. I will try to get a good discount/donation from them, and I believe this will be easy seeing that I only need 3 cubic yards of stone dust. The rest of the materials will be brought in by me and volunteers.

## **Safety Concerns**

Before any digging of any sorts happens with this project, Digsafe will be called to make sure that the land is safe to dig in. The major safety concerns for this project involve cuts and scrapes from moving the earthworks or from the tools themselves. A First Aid Kit will be brought to the work area on all of the times we will be there. Also, Volunteers will be asked to bring gloves to protect their hands.

## **Leadership**

This project involves a lot of manpower and physical work. I could not do this alone, so leading the scouts through this project is vital. Now, I anticipate having 6 people to aid me but there may be more or (hopefully not) less. Regardless, I will organize however many scouts I have into a productive force. If I have more scouts than shovels, hand tampers, etc., I will make the scouts take shifts so that one set of Scouts does all the work and the others get to sit around.

For the first phase of the project I will need to direct the scouts as to exactly what grass needs to be removed. Removing the grass shouldn't be tricky for the scouts, but the second phase may be. Since I need a very specific depth for the pathway, I will dig down a 4 inch deep section on the soon to be pathway to show the scouts what 4 inches deep looks like. Now, because not everyone is perfect, I will also inspect the progress of the foundation and notify a scout if he has dug too deep or not deep enough.

The third phase of the project will involve a bit of coordination. The 4x4 wooden posts that will be used for the siding will be positioned by scouts in groups of 3 or more depending on how many scouts I get. One group will deal with the left side of the pathway and the other group will deal with the right side of the pathway. If there are too many scouts then the groups will cycle through people to allow people to rest.

The fourth phase involves pouring the stone dust into the foundations. This shall be done with the wheelbarrows and so will be done primarily by the older scouts. Depending on how many wheelbarrows we have they will go back and forth from the stone dust pile to the foundation. Younger scouts will be either shoveling the stone dust into the wheelbarrows or using rakes to help spread out the stone dust.

The Fifth Phase is the easiest, as it involves one simple task with no tricky coordination. Depending on how many Hand Tampers we have, X amount of scouts will be using the hand tampers to compact the stone dust.

This describes the phases for the pathway, and for the center it will be the same except for no wooden sidings and there will be more work with adding in mulch and planting flowers. I had decided that one person each could handle the small spot in front of each monument at a time, but they will switch off for each task.

As usual, any scout that poses an issue and threatens the integrity and schedule of the project will be dealt with. First they will be asked to take a break from the work and if they continue to cause issues will be told to call their parents and leave. However, based on my troop I believe and hope that I will not have to make any scout leave the project.



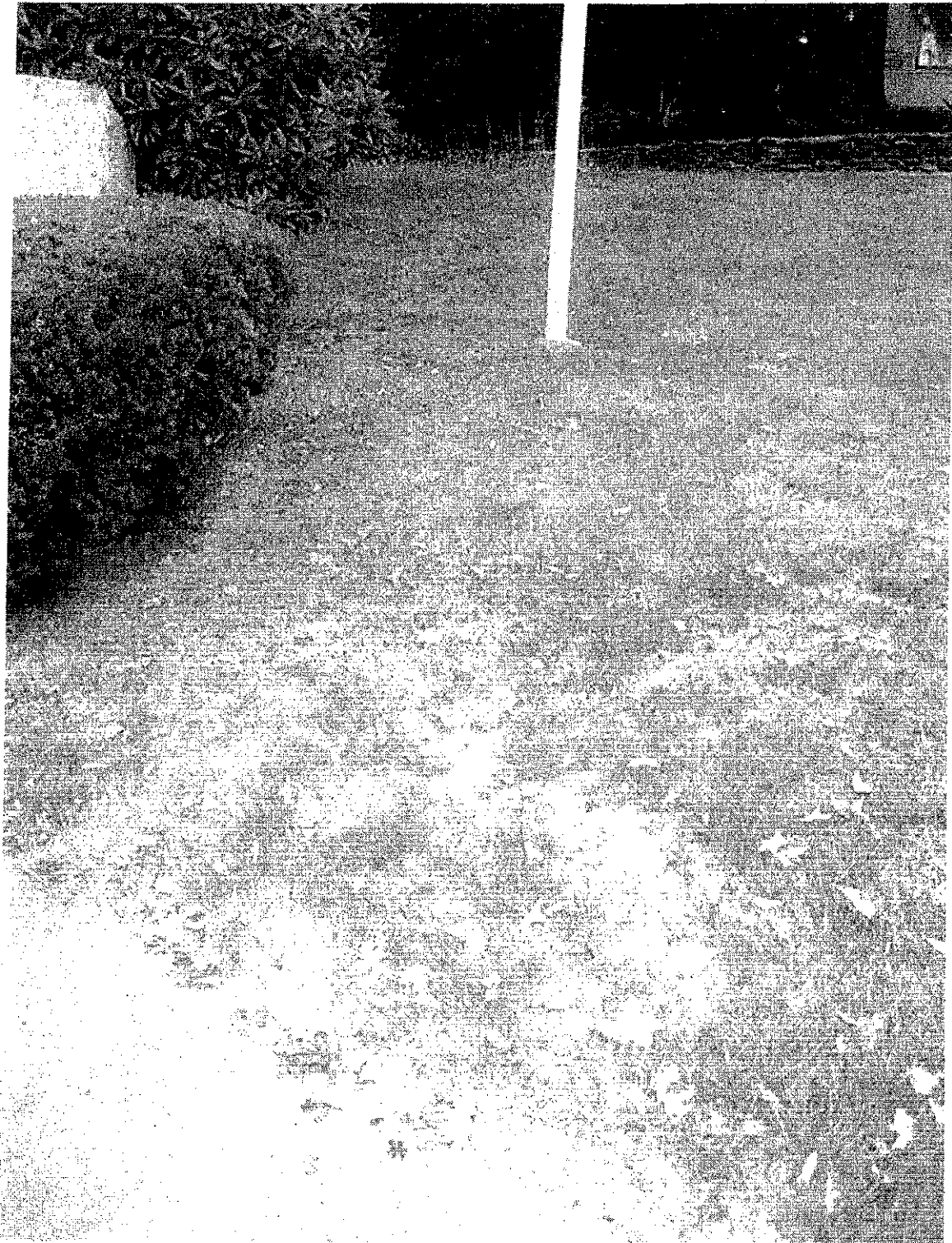
## Pictures



The Memorial center, complete with broken lights and patchy grass.

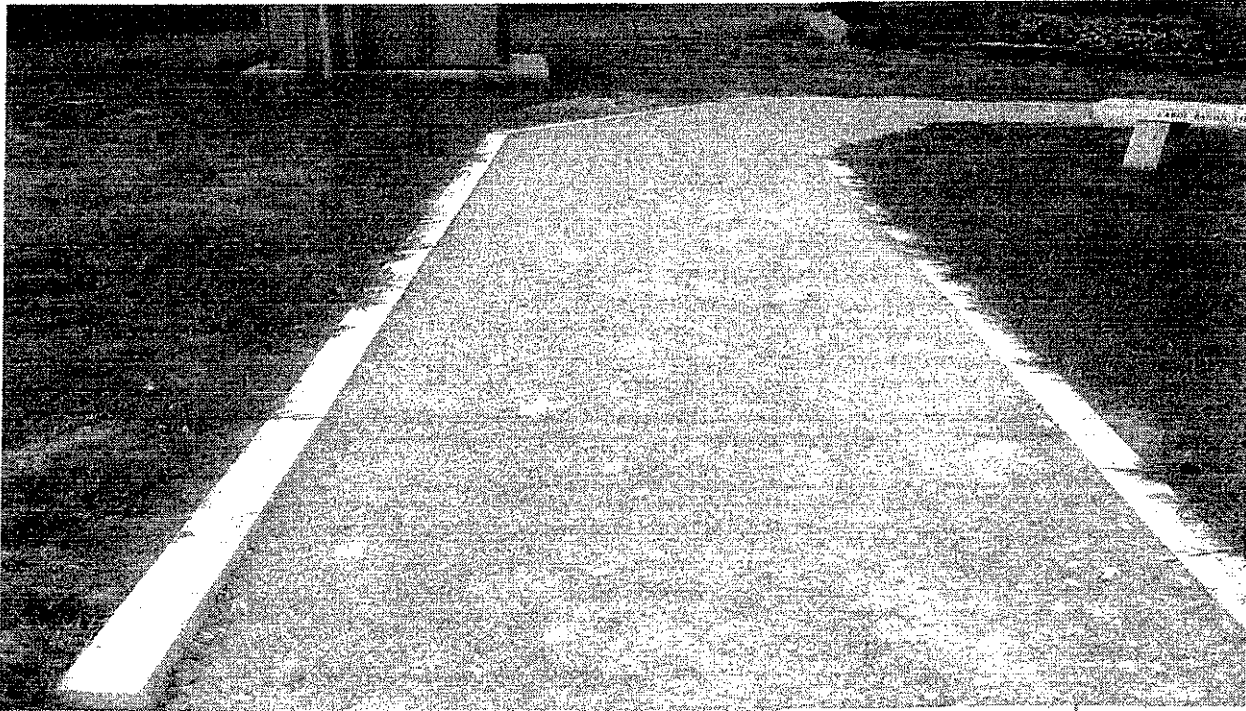


The ground in front of the memorial center where one of the pathways would go.

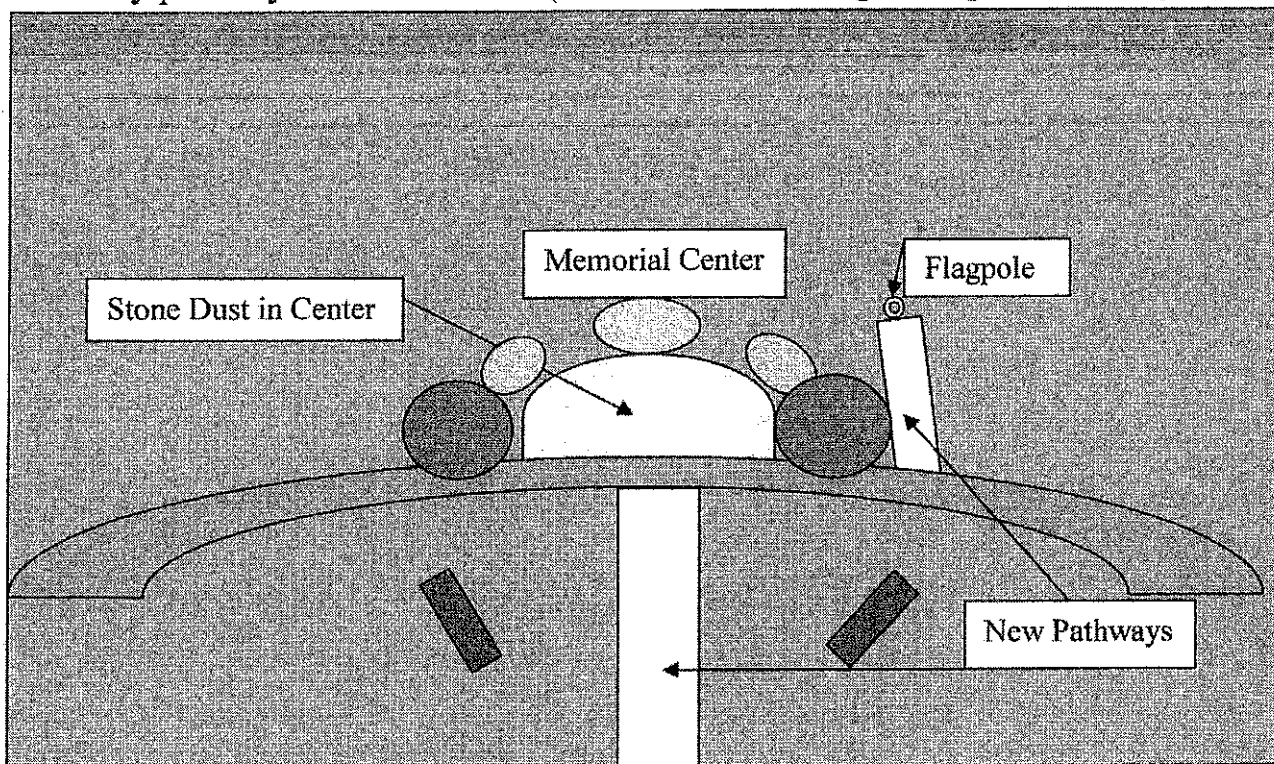


The Flagpole has no pathway. This is where the 17 foot pathway would go.





What my pathway should look like (Picture of Ben Savage's Eagle Scout Project)



Top over of what the finished project should look like with new pathways and stone dust in the center of the memorial.





## ***Approval Signatures for Project Plan***

Project plans were reviewed and approved by:

.....  
Religious institution, school, or community representative

.....  
Date

.....  
Scoutmaster/Coach/Advisor

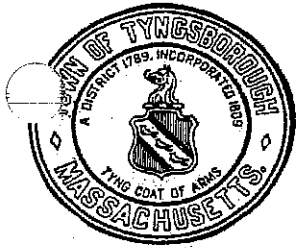
.....  
Date

.....  
Unit committee member

.....  
Date

.....  
Council or district advancement committee member

.....  
Date



## TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryants Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

August 16, 2010

Town Of Tyngsborough

Meeting Notice

The Board of Selectmen will hold a public meeting on Monday, August 30, 2010 at 6:05 p.m. at the Town Hall Meeting Room, 25 Bryant Lane, Tyngsborough, MA the hearing is at the request of Verizon New England Inc.(formerly known as New England Telephone and Telegraph Company and Massachusetts Electric Company, be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and their respective wires and cables to be placed thereon, together with anchors, guys and other sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition o f said Companies dated the 22<sup>nd</sup> day of April 2010. The following are the public ways or pars of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order: -

Flint Road - place one (1) Stub Pole

Locations approximately as shown on the Verizon Plan #730 dated 4/22/10 attached.

Also that permission be and hereby is granted of said Companies to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Mass. Form 559  
9-81

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

Dracut, Mass.,

04/22/2010

To the Board of Selectmen  
of Tyngsborough, Massachusetts.

RECEIVED  
2010 MAY -4 PM 12:16  
TOWN CLERK  
TYNGSBOROUGH, MA

VERIZON NEW ENGLAND INC. (Formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) and MASSACHUSETTS ELECTRIC COMPANY (NORTH ANDOVER) request permission to locate poles, wires, cables and fixtures, including the necessary anchors, guys and other such sustaining and protecting fixtures to be owned and used in common by your petitioners, along and across the following public way or ways:-

FLINT ROAD, Place one (1) Stub Pole -

Locations approximately as shown on Plan attached

Wherefore they pray that after due notice and hearing as provided by law, they be granted joint or identical locations for and permission to erect and maintain poles, wires and cables, together with anchors, guys and other such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked-VERIZON PLAN NO. 730, Dated 04/22/2010.

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioners agree to reserve space for one crossarm at a suitable point on each of said poles for the fire and police telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

VERIZON NEW ENGLAND INC.  
(Formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY)

By   
Manager/Right of Way

MASSACHUSETTS ELECTRIC COMPANY (NORTH ANDOVER)

By   
Supervisor Field Engineering

PETITION PLAN  
RECEIVED

MUNICIPALITY



MAY 24 2010

Pet.# 730

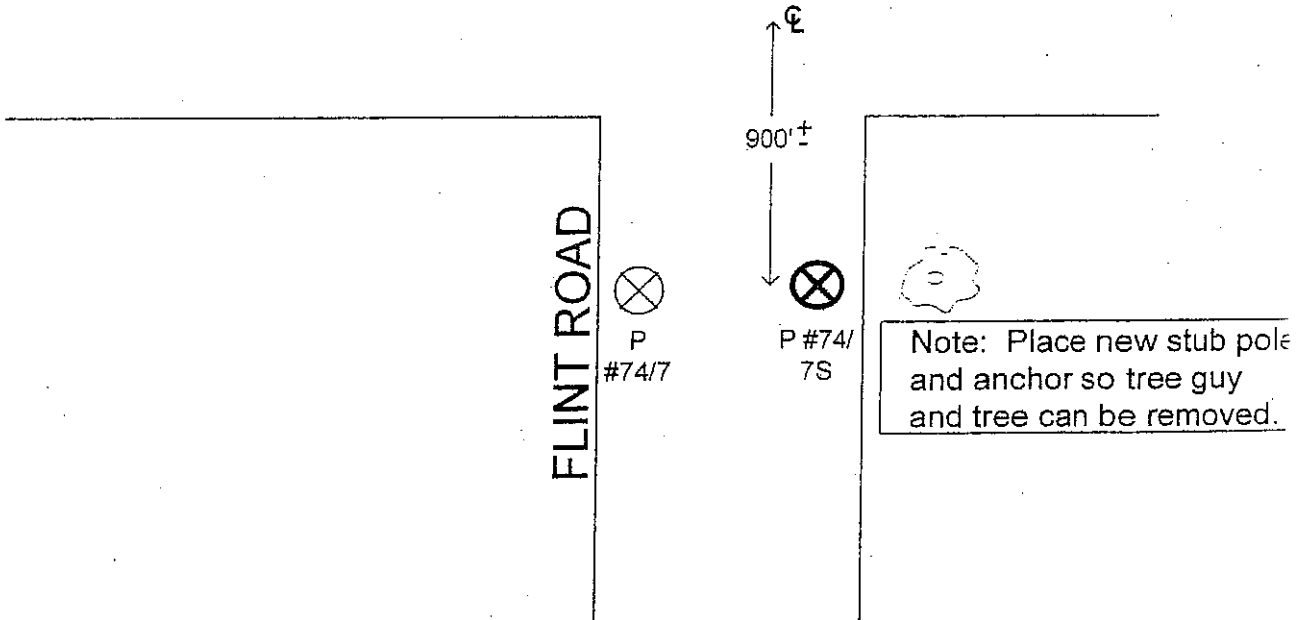
Date: April 22, 2010

ASSESSOR'S OFFICE

Municipality: Tyngsborough, Massachusetts  
Verizon New England Inc. and Massachusetts Electric Company  
Showing: **Proposed Joint Pole Location**



Kendall Road



Prepared By sc/lg

DISTANCES SHOWN ARE APPROXIMATE

Checked By  
Order 9ADL6T

CKM

LEGEND



- Proposed Verizon Pole Location



- Verizon Pole Location to be Abandoned



- Verizon Co. Pole to Remain



- Existing Joint Pole to Remain



- Proposed JO Pole



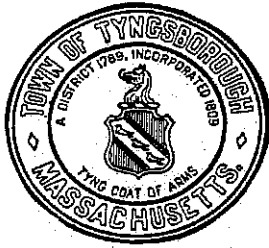
- Present Joint Pole Location to be Abandoned



- Tree

ParcelID	Location	Owner	Co-Owner	Mailing Address	City	State	Zip
20 2 0	1 FLINT RD	CARIGNAN DONALD	KAREN	1 FLINT RD	TYNGSBOROUGH MA	MA	01879
20 28 0	51 KENDALL RD	VERNADAKIS JAMES A	LOUISE A	51 KENDALL RD	TYNGSBOROUGH MA	MA	01879
20 29 0	45 KENDALL RD	LEONARD ORRIN		45 KENDALL RD	TYNGSBOROUGH MA	MA	01879
20 3 0	5 FLINT RD	MORRISSEY JOANN	PELLETIER ROBERT J	10 PAR LANE	HUDSON	NH	03051
20 30 0	23 KENDALL RD	EVANGELICAL CHURCH		23 KENDALL RD	TYNGSBOROUGH MA	MA	01879
20 30A 0	250 MIDDLESEX RD	TOWN OF TYNGSBOROUGH	LIBRARY + WINSLOW SCHC	25 BRYANTS LN	TYNGSBOROUGH MA	MA	01879
20 31 0	9 KENDALL RD	ROBERT E PARKIN REV TR OF 200	ANNE E PARKIN REV TR OF	701 PLEASANT ST	DUNSTABLE MA	MA	01827
20 4 0	54 KENDALL RD	PROVENCHER ROBERT	BARBARA	10 WILSON WAY	TYNGSBOROUGH MA	MA	01879
20A 14 0	KENDALL RD	TOWN OF TYNGSBOROUGH		25 BRYANTS LN	TYNGSBOROUGH MA	MA	01879
20A 15 0	30 KENDALL RD	KIRK THOMAS A	GLORIA C	30 KENDALL RD	TYNGSBOROUGH MA	MA	01879
20A 16 0	28 KENDALL RD	MERCIER WILFRED D +	BERNARDINE S	PO BOX 164	TYNGSBOROUGH MA	MA	01879
20A 17 0	36 KENDALL RD	BARCELOS FAMILY LIMITED	PARTNERSHIP	398 NORTH END BLVD	TYNGSBOROUGH MA	MA	01879
20A 18 0	48 KENDALL RD	NEW ENGLAND TELEPHONE	C/O VERIZON COMMUNICAT	P O BOX 152206 TAX DEPT	SALISBURY MA	MA	01952
20A 19 0	10 FLINT RD	KIRK THOMAS A	GLORIA C	30 KENDALL RD	IRVING TX	TX	75015-2206
20A 29A 0	KENDALL RD	LEONARD ORRIN + CAROLYN		45 KENDALL RD	TYNGSBOROUGH MA	MA	01879
20A 33 0	20 UPTON DR	HONEYCUTT CHARLES	LEIBOWITZ HAE-SOON	20 UPTON DRIVE	TYNGSBOROUGH MA	MA	01879
20A 55 0	26 KENDALL RD	TOWN OF TYNGSBOROUGH	FIRE STATION #1	25 BRYANTS LN	TYNGSBOROUGH MA	MA	01879

**End of Report**



## TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryants Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

August 19, 2010

TOWN OF TYNGSBOROUGH

Tyngsborough Board of Selectmen

### **Hearing Notice**

The Tyngsborough Board of Selectmen, acting as the Local Licensing Authority, will conduct a public hearing on Monday, August 30, 2010 at 6:45 P.M. at the Town Hall, 25 Bryant Lane, Tyngsborough, Massachusetts, the hearing is at the request of Delpero Enterprises, Inc. DBA Caffee Il Ciproso, to transfer the all alcoholic license from Houston & Hughes, Inc. f/d/b/a Tyng's Tavern and Grill at 130 Middlesex Road, and to change location from a bay at the mall plaza located at 130 Middlesex Road to a two story free standing restaurant located at 130 Middlesex Road, and to change the manager of record from Graham Hughes to Charlene Rogers.

Publication date -- Monday, August 23, 2010

# MATRIX OF LIQUOR LICENSE TRANSACTIONS

TRANSACTION	FORM 43	FORM 983	FORM 997	5 PAGE APPLICATION	\$200 FEE	ARTICLES OF ORGANIZATION	VOTE OF CORP BD	NEWSPAPER NOTICE	ABUTTER NOTIFICATION	FORM A	P&S/PLEDGE AGREEMENT	FLOOR PLANS
NEW LICENSE	X			X	X	X	X	X	X	X		X
TRANSFER OF LICENSE	X	X		X	X	X	X	X		X	X	
TRANSFER/ISSUANCE OF STOCK	X	X		X	X		X	X			X	
NEW OFFICERS/DIRECTORS	X			X	X	CERTIFICATE OF CHANGE	X					
NEW STOCKHOLDERS	X	X		X	X		X	X				
CHANGE OF LOCATION	X		X		X		X	X	X		X	X
ALTER PREMISES	X				X		X	X	X			X
PLEDGE OF LICENSE	X		X		X		X				X	
PLEDGE OF STOCK	X		X		X		X				X	
CHANGE OF CORPORATE NAME	X		X		X	AMENDED ART. OF ORGANIZ.	X				X	
CHANGE OF D/B/A	X		X			BUSIN. CERT.	X					
SEASONAL TO ANNUAL	X			X	X		X	X	X			X
CHANGE OF MANAGER	X		X		X		X			X		
CHANGE OF HOURS	X						X					
CHANGE OF LICENSE TYPE	X		X		X		X	X				
CORDIALS AND LIQUEURS	X		X				X	X	X			

BANKRUPTCY FILED INCLUDE BANKRUPTCY COURT PAPERS

LICENSE SURRENDERED LETTER FROM LOCAL LICENSING BOARD WHICH STATES LICENSEE NAME AND EFFECTIVE DATE OF SURRENDER

ABCC FEE CHANGE EFFECTIVE 7/10/03

5/1/04rev.

**The Commonwealth of Massachusetts**  
**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

**APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE FOR RETAIL SALE**

City/Town: Tyngsborough, MA

- ☐ New License      ☐ Transfer of Stock      ☐ Other \_\_\_\_\_  
☒ Transfer of License      ☐ New Officer/Director      (Specify) \_\_\_\_\_

Name to appear on the License: <u>Delpero Enterprises, Inc</u>	
Business Name (d/b/a), if different: <u>Caffe il Espresso</u>	
Manager of Record:	FID of Licensee:
Address of Premises; Street: <u>130 Middlesex Road, Tyngsborough MA</u> Zip Code: <u>01878</u>	
Phone Number of Premises: <u>(978) 649-3128</u>	

2. Type of License: (check only one)

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Club               | <input type="checkbox"/> Package Store         | <input type="checkbox"/> Veterans Club |
| <input type="checkbox"/> General On Premise | <input checked="" type="checkbox"/> Restaurant | <input type="checkbox"/> Other _____   |
| <input type="checkbox"/> Innholder          | <input type="checkbox"/> Tavern                | (Specify)                              |

3. License Category:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> All Alcoholic           | <input type="checkbox"/> Wine and Malt |
| <input type="checkbox"/> Malt only                          | <input type="checkbox"/> Wine only     |
| <input type="checkbox"/> Wine and Malt with Cordials Permit |  |

4. License Class:

- |  |                                   |
|--|-----------------------------------|
| <input checked="" type="checkbox"/> Annual | <input type="checkbox"/> Seasonal |
|--|-----------------------------------|

Person (attorney if applicable) who can be contacted concerning this application:

Name: <u>Charlene Rogers</u>
Address: <u>20 Patricia Lane, Dracut, MA 01826</u>
Phone Number: <u>(978) 809-8944</u>

6. Give a full and complete description of the premises to be licensed, including location of all entrances and exits:


6a.

Seating Capacity:	Occupancy Number:
-------------------	-------------------

7. Applicant is an:    ☐ Association    ☒ Corporation    ☐ Individual  
                              ☐ Partnership    ☐ Non-profit Corporation

8. If Applicant is an Individual or Partnership: List for Individual or each Partner.

Full Name	Home Address	D.O.B.	SSN

Is Individual or are all Partners United States Citizens?

☐ Yes      ☐ No

If no, specify citizenship: \_\_\_\_\_

8b. Is Individual or are all Partners involved at least twenty-one years old?

☐ Yes      ☐ No



9. If the Applicant is a Corporation, complete the following:

State of Incorporation: <u>MA</u>	Date of Incorporation: <u>6/22/2007</u>
Fiscal Year Ends: _____	Date qualified to do business in MA: <u>6/22/2007</u>

9a. How many Shares of Stock are authorized? 200 How many Shares of Stock are issued? 200

Provide in the box below the names of all Officers, Directors, Stockholders and Manager.

Use \* to indicate Director

Title	Full Name	Home Address	D.O.B.	SSN	Shares of Stock Owned or Controlled
President *	Kathleen Delperso	20 Patricia Lane Dracut, MA	12/10/48		50
Secretary *	Charlene Rogers	20 Patricia Lane Dracut, MA	3/10/78		150

9b. Attach a copy of the vote by the Board of Directors appointing a manager or principal representative.

9c. If the Applicant is a Corporation, answer the following questions:

- Are the Majority of Directors United States Citizens? ☒ Yes ☐ No
- Are the Majority of Directors Citizens of Massachusetts? ☒ Yes ☐ No
- Is the Manager or Principal Representative a U.S. Citizen? ☒ Yes ☐ No

10. If the Applicant is an Association, provide in the box below the names of all Association Officers and Members.

Title	Full Name	Home Address	D.O.B.	SSN	Phone Number

11. Will there be any construction, remodeling, redecorating or building on the premises for this license? ☒ Yes ☐ No  
(If yes, complete a, b, c, and d)

- Give an exact description of the construction, remodeling, redecorating or building on the premises: wall decorations, wall paper + touch up painting
- What are the estimated costs? 1000 - 1500
- What is the construction schedule? complete by 9/6/10
- State all sources of construction financing: enterprise loan

12. Do you own the premises? ☐ Yes ☒ No. If yes, please respond to the question below.

- ☐ As an individual ☐ Jointly \_\_\_\_\_ Name of Realty Trust  
\_\_\_\_\_  
Name of Corporation  
☐ Other \_\_\_\_\_  
(specify)

(If you do not own the premises to be licensed, provide the following information about the Owner.)

Name: <u>Tyngham Plaza Trust</u>	Phone Number: <u>(978) 392 8812</u>
Address: _____	

12a. If a lease or rental, provide the following information: \$ 3500.00 per month  
(month, year, etc.)

Beginning Date of Lease 7/1/2010 Ending Date of Lease 6/30/2015  
(provide a copy of the lease.)

## FINANCIAL

13. What Assets were purchased and cost?

Equipment: \$ 10,000	Furniture: \$	Goodwill: \$
Inventory: \$	License: \$ 10,000	Premise: \$

13a.

Total Purchase Price: \$ 20,000
---------------------------------

Identify in the box below all sources of financing:

13b.

Mortgage: \$	Seller: \$
Cash: \$	Other (specify): \$ Enterprise Bank Loan 25,000

Document all sources e.g., (Loan papers, checking accounts, stock sales, etc.)

13c.

All other terms and conditions:
(provide purchase and sale documents)

13d. Are you seeking approval for License to be pledged? ☐ Yes ☒ No

If yes, to whom? \_\_\_\_\_

13e. Will the Inventory be pledged? ☐ Yes ☒ No

If yes, specify to whom \_\_\_\_\_

13f. If a Corporation, are you seeking approval for any Corporate Stock to be pledged? ☐ Yes ☒ No

If yes, identify to whom and identify the number of shares to be pledged. \_\_\_\_\_

## OWNERSHIP INTERESTS

14. State the following information for all persons or entities who will have any direct or indirect beneficial or financial interest in this license:

Full Name	Home Address	D.O.B.	SSN	Phone Number
Kathleen Delpero	20 Patricia Lane Braintree, MA	12/10/48		978-590-8494
Charles Rogers	20 Patricia Lane Braintree, MA	3/10/78		978-809-8494

14a. Describe all types of beneficial or financial interest each person or entity identified in Question 14 will have in this license:

Person or Entity	Beneficial or Financial Interest
Kathleen Delpero	Owner / shareholder
Charles Rogers	owner / shareholder

14b. Does any person or entity listed in Question 14 have any direct or indirect beneficial or financial interest in any other license granted under Chapter 138?

☒ Yes ☐ No (If yes, provide the following for each person or entity.)

Name	Type of License	License Name and Address	Description of Interest
Kathleen Delpero	wine + malt	Delpero Enterprises, Inc / Caffee / Cpresso	owner / shareholder
Charles Rogers	wine + malt	Delpero Enterprises, Inc / Caffee / Cpresso	owner / shareholder

14c. Has any person or entity named in Question 14 ever held a license or a beneficial interest in a license issued under Chapter 138 which is not presently held? ☐ Yes ☒ No (If yes, provide the following for each person or entity.)

Name	Type of License	License Name and Address	Date ownership surrendered

14d. Describe how all licenses identified in Question 14c were terminated (e.g. transfer of ownership, non-renewal, surrender, etc.):

Date	License	Reason why the License was Terminated

14e. Has any person or entity named in Question 14 ever had a license suspended, revoked, or cancelled? ☐ Yes ☒ No (If yes, provide the following information):

Date	License	Reason why the License was suspended, revoked, or cancelled

14f. Has any person or entity named in Question 14 ever been convicted of violating any state, federal or military law? ☐ Yes ☐ No (If yes, attach a statement of details.)

15. a. Each Individual Applicant must sign.

b. Applications by a Partnership must be signed by a majority of the partners.

c. Applications by a Corporation must be signed by an officer authorized by a vote of the corporations Board of Directors.

d. Applications by an Association must be signed by a majority of the members of the governing body. All signers must have answered question 10.

e. False information or failure to disclose are reasons to revoke a license or deny a license application.

Signed and subscribed to under the penalty of perjury, this 10th day of August, 2010

By: Signature of Full Name

Chauene Rogers  
Kathleen M. Delpiero

Title

Secretary  
President

FORM A  
LICENSEE PERSONAL INFORMATION SHEET

THIS FORM MUST BE COMPLETED FOR EACH:

- ☐ A. NEW LICENSE APPLICANT  
☐ B. APPOINTMENT OR CHANGE OF MANAGER IN A CORPORATION  
☒ C. TRANSFER OF LICENSE (RETAIL ONLY-SEC.12 & SEC.15)

(Please check which transaction is the subject of an application accompanying this Form A.)

PLEASE TYPE OR PRINT ALL INFORMATION

ALL QUESTIONS MUST BE ANSWERED AND TELEPHONE NUMBERS PROVIDED OR APPLICATION WILL NOT BE ACCEPTED

1. LICENSEE NAME: Delporo Enterprises, Inc / Caffe. / Cpresso  
(NAME AS IT WILL APPEAR ON THE LICENSE)
2. NAME OF (PROPOSED) MANAGER: Charlene Rogers
3. SOCIAL SECURITY NUMBER: \_\_\_\_\_
4. HOME (STREET) ADDRESS: 20 Patricia Lane, Braintree, MA 01826
5. AREA CODE AND TELEPHONE NUMBER (S): (give both, your home telephone and a number at which you can be reached during the day).
- DAY TIME# 778 6443128 HOME# 778 809-8944
6. PLACE OF BIRTH: Lowell 7. DATE OF BIRTH 03/10/1978
8. REGISTERED VOTER: ☒ YES ☐ NO 8a. Where? \_\_\_\_\_
9. ARE YOU A U.S. CITIZEN: ☒ YES ☐ NO
10. COURT AND DATE OF NATURALIZATION: \_\_\_\_\_  
(Submit proof of citizenship and/or naturalization such as Voter's Certificate, Birth Certificate or Naturalization Papers)
11. FATHER'S NAME: Dennis Dutney 12. MOTHER'S MAIDEN NAME: Nancy Albertine
13. IDENTIFY YOUR CRIMINAL RECORD, IF ANY (Massachusetts, Military, any other State or Federal):  
\_\_\_\_\_  
\_\_\_\_\_
14. ANY OTHER ARREST OR APPEARANCE IN CRIMINAL COURT CHARGED WITH A CRIMINAL OFFENSE REGARDLESS OF FINAL DISPOSITION:  
\_\_\_\_\_  
\_\_\_\_\_

YES ☒ NO ☐ (MUST CHECK EITHER YES OR NO)

15. PRIOR EXPERIENCE IN THE LIQUOR INDUSTRY: ☒ YES ☐ NO  
IF YES, PLEASE DESCRIBE:  
owner of Caffe. / Cpresso for 3 yrs

16. FINANCIAL INTEREST, DEIRECT OR INDIRECT, IN ANY OTHER LIQUUOR LICENSE, PERMIT OR CERTIFICATE: ✓ YES        NO

IF YES, PLEASE DESCRIBE:

owner of Caffe il Espresso (wine + malt)

17. EMPLOYMENT FOR THE LAST TEN YEARS (Dates, Position, Employer, Address, Telephone Numbers):

*owner*  
Caffe il Espresso 8/07 - present 130 middlesex rd Tuxbury 978 493 129  
*manager*  
U Save Auto Retail 7/04 - 8/07 1582 middlesex st, Lowell, MA 978 453-2000  
*manager*  
Merchants Auto Retail 1998 - 7/04 7 Lincoln St Lowell, MA 978 453-1631

18. HOURS PER WEEK TO BE SPENT ON THE LICENSED PREMISES: 50 - 65 hrs

18.I HEARBY SWEAR THAT UNDER THE PAINS AND PENALTIES OF PERJURY THAT THE INFORMATION I HAVE GIVEN IN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BY: Charlene Rogers  
MANAGER SIGNATURE DATE

8/9/10

PROPOSED



Michael Gilleberto <mgilleberto@tyngsboroughma.gov>

---

## CORI check - liquor license

---

Rich Burrows <rburrows@tyngsboroughma.gov>

Wed, Aug 11, 2010 at 3:34 PM

To: "Michael P. Gilleberto" <mgilleberto@tyngsboroughma.gov>

Michael, that is correct.

Charlene A. Rogers CORI check is clean.

Rich

[Quoted text hidden]

- > NOTICE-- This message is for the designated recipient only and may contain
- > confidential, privileged or proprietary information. If you have received it
- > in error, please notify the sender immediately and delete the original and
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- > that communication by e-mail in the public domain is not confidential. In
- > compliance with Federal Rules of Civil Procedure (FRCP) all email
- > communication will be archived and retained for at least three years.

Richard C. Burrows  
Deputy Chief of Police  
Tyngsborough Police Department  
20 Westford Road  
Tyngsborough, MA. 01879  
V 978-649-0188  
F 978-649-2324

</PRE>NOTICE-- This message is for the designated recipient only and may contain confidential, privileged or proprietary information. If you have received it in error, please notify the sender immediately and delete the original and any copy or printout. Unintended recipients are prohibited from making any other use of this e-mail. Be advised that the Attorney General has ruled that communication by e-mail in the public domain is not confidential. In compliance with Federal Rules of Civil Procedure (FRCP) all email communication will be archived and retained for at least three years.

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TOWN OF TYNGSBOROUGH  
BOARD OF SELECTMEN GENERAL APPLICATION/RENEWAL FORM

This is a general application for a license that the Board of Selectmen may grant. All license applications to the Tyngsborough Board of Selectmen MUST be accompanied by the following information.

1. Type of License: Full Liquor / All Alcoholic Beverages
  - 1a. Identify: New \_\_\_\_\_ Renewal \_\_\_\_\_ Transfer ☒
2. Name of Applicant(s): Delpero Enterprises, Inc
  - 2a. Address: 130 Middlesex road, Tyngsborough, MA 01879
  - 2b. Soc. Sec. #: \_\_\_\_\_
  - 2c. Phone # Business (781) 649 - 3128 / Home (781) 809 - 8944
3. Owner(s) Name: Charlene Rogers
  - 3a. Address: 20 Patricia Lane, Dracut, MA 01826
  - 3b. Soc. Sec. #: \_\_\_\_\_
  - 3c. Phone #: Business (781) 649 - 3128 / Home (781) 809 - 8944
4. Name of Business: Delpero Enterprises, Inc / Caffee il Ciproso
5. Business Address: 130 middlesex road, Tyngsborough, MA 01879
6. Date License is Required by Applicant: \_\_\_\_/\_\_\_\_/\_\_\_\_
7. Do you currently hold a similar License - What Type? Wine + Malt
8. Have you previously applied for a License? (Yes) ☒ (No) \_\_\_\_\_
9. Have you ever had a license revoked? (Yes) \_\_\_\_\_ (No) ☒

If yes. Why? \_\_\_\_\_

10. If there is a building or structure associated with the License, please submit the following to scale minimum 1/16"=1'10". **(Seven Copies Required)**

- A. Floor Plan (show all main features, bar, exits, rest rooms, etc.) *on file - same as Tyngs*  
B. Seating Location  
C. Site Plan Indicating Parking Areas and Access to Town Ways

11. Proposed Hours of Operations:

<u>DAYS</u>	<u>HOURS</u>	<u>DAYS</u>	<u>HOURS</u>
Monday	<u>11am - 2am</u>	Friday	<u>11am - 2am</u>
Tuesday	<u>11am - 2am</u>	Saturday	<u>11am - 2am</u>
Wednesday	<u>11am - 2am</u>	Sunday	<u>11am - 2am</u>
Thursday	<u>11am - 2am</u>		

12. Has the applicant operated a similar business (if applicable):

12a. Name of Business: Caffe il Cipro

12b. Address: 130 Middlesex road, Tyngsborough, MA 01879

13. Federal Tax No. (if applicable) 26-0410866

**I certify** that the Tyngsborough Police Department may run a criminal records check for any prior offenses and that this information may be transmitted to the Local Licensing Authority at their request.

Date: 8/9/10

Signature: Charlene Rogers

**I certify** under the penalties of perjury that I, to the best of my knowledge and belief, have filed all State Tax Returns and Paid all State and Local Taxes required by law.

Date: 8/9/10

Signature: Charlene Rogers

**I certify** that I have read through the conditions and included with this license and agree to comply with any further stipulations that the Licensing Authority may from time to time approve. I also hereby authorize the Licensing Authority or their agent to conduct whatever investigation or inquiry is necessary to verify the information contained in this application.

Date: 8/9/10

Signature: Charlene Rogers



TOWN OF TYNGSBOROUGH  
APPLICATION FOR WEEKDAY ENTERTAINMENT

Date: 8/9/10

In accordance with Massachusetts General law, Chapter 140, section 183A, hereby requests a weekday entertain license for:

Establishment: Caffe il Ciproso (Delpero Enterprises, Inc)

Address: 130 middlesex Road  
Tyngsborough, MA 01879

Weekday Entertainment at the above mentioned establishment will include the following:

<input type="checkbox"/>	Dancing by patrons
<input type="checkbox"/>	Vocalists
<input checked="" type="checkbox"/>	Disc Jockey
<input checked="" type="checkbox"/>	Jukebox
<input type="checkbox"/>	Orchestra (please state number of pieces)
<input checked="" type="checkbox"/>	Bands (please state number of pieces) <u>4 w/vocalist</u>
<input type="checkbox"/>	Floor Show (please describe)
<hr/>	
<input checked="" type="checkbox"/>	Television
<input checked="" type="checkbox"/>	Radio/Stereo
<input type="checkbox"/>	Piped in Music
<input type="checkbox"/>	OTHER: (please describe fully)
<hr/>	
<hr/>	

Please use additional pages as needed to fully describe the type and scope of the proposed entertainment. **PLEASE NOTE:** Should you be granted a license, only those activities specifically identified in this application form will be deemed licensed, and that any activity not specifically identified or described will not be deemed to be licensed.

HOURS WHICH ENTERTAINMENT WILL BE CONDUCTED

Monday	<u>11am</u> to <u>2am</u>
Tuesday	<u>11am</u> to <u>2am</u>
Wednesday	<u>11am</u> to <u>2am</u>
Thursday	<u>11am</u> to <u>2am</u>
Friday	<u>11am</u> to <u>2am</u>
Saturday	<u>11am</u> to <u>2am</u>

I agree not to change the type of entertainment provided in my establishment without the prior written permission of the Local Licensing Authority.

Signature of Licensee:

Charlene Rogers

## Abutters List

ParcelID	Location	Owner	Co-Owner	Mailing Address	City	State	Zip
21 14 1	125 MIDDLESEX RD	TYNGSBORO CROSSING REALTY	PAGE DENNIS M TRUSTEE	1 BRIDGEVIEW CR	TYNGSBOROUGH MA	MA	01879
21 15A 0	27 OLD TYNG RD	CHURCH OF CHRIST	OF GREATER LOWELL	16 STATE ST	CHELMSFORD MA	MA	01824
21 17 0	120 MIDDLESEX RD	IVES THOMAS C	AUDREY E	P.O.BOX 364	TYNGSBOROUGH MA	MA	01879-0364
21 18 0	122 MIDDLESEX RD	GORDON KENNETH W	SUSAN M	37 OLD TYNG RD	TYNGSBOROUGH MA	MA	01879
21 18A 0	37 OLD TYNG RD	GORDON KENNETH W	SUSAN M	37 OLD TYNG RD	TYNGSBOROUGH MA	MA	01879
21 19 0	130 MIDDLESEX RD	TYNGSBORO PLAZA TRUST	POPOLIZIO DAVID V TRUST	175 LITTLETON RD	WESTFORD MA	MA	01886
21 19A 0	47 OLD TYNG RD	GRIECO ERIC &	KIMBERLY M	47 OLD TYNG RD	TYNGSBOROUGH MA	MA	01879
21 20 0	134 MIDDLESEX RD	BUNKER FRANK &	CAROL	134 MIDDLESEX RD	TYNGSBOROUGH MA	MA	01879
21 21 0	138 MIDDLESEX RD	SHAUGHNESSY MARILYN G	JAMES A SHAUGHNESSY	51 POND PARISH RD	AMHERST NH	NH	03031
21 23 1	50 WESTFORD RD	SYCAMORE NETWORKS REAL ES	LIMITED LIABILITY COMPAN	220 MILL RD	CHELMSFORD MA	MA	01824
21 25 0	38 OLD TYNG RD	LIVA JOSEPH A JR	NANCY A	38 OLD TYNG RD	TYNGSBOROUGH MA	MA	01879
21 27 0	36 OLD TYNG RD	DUNNING DENNIS E&	KATHLEEN	36 OLD TYNG RD	TYNGSBOROUGH MA	MA	01879

*End of Report*

**COVER SHEET**

**ABUTTERS LIST**      **AS PER CH 40A, SEC 11**      **"PARTIES OF INTEREST"**

**TOWN BOARD:**      **BOARD OF SELECTMEN**

**LOCATION:**      **130 MIDDLESEX RD**      **MAP 21-19-0**

**OWNER:**      **TYNGSBORO PLAZA TRUST**

**REQUESTED BY:**      **TOWN ADMINISTRATOR**

**PREPARED BY:**      **Jennifer Wilson, Assessors Assistant** *JW*

**DATE:**      **August 19, 2010**



# Town of Tynasborouah

## Abutters List

08/19/2010

11:03:57AM

**Filter Used:** DataProperty.ParcelID = '21 19 0' OR DataProperty.ParcelID = '21 14 1' OR DataProperty.ParcelID = '21 19A 0' OR DataProperty.ParcelID = '21 20 0' OR DataProperty.ParcelID = '21 21 0' OR Data..

TOWN OF \_\_\_\_\_  
TO THE LICENSING BOARD

2004

The undersigned licensee.....  
respectfully petitions for the transfer of the..... Full Liquor / All Alcoholic Beverages  
(Class of License)  
all alcoholic beverages license now exercised by the said licensee on the premises located at  
.....  
.....

whose address is..... 130 Middlesex road Tyngsborough, MA 01879  
(If present licensee is a corporation, fill in the following paragraph)

The said licensee is a corporation duly organized under the laws of the Commonwealth of Massachusetts, and its officers, directors and stockholders, their residences, and shares owned by each are as follows:  
(NAME) (ADDRESS) (SHARES)  
FROM: (PLACE AND \* BEFORE THE NAME OF EACH DIRECTOR)

.....	.....	.....
President	.....	.....
.....	.....	.....
Treasurer	.....	.....
.....	.....	.....
Clerk	.....	.....
.....	.....	.....

(If proposed transferee is a corporation, fill in the following paragraph)

The proposed transferee is a corporation duly organized under the laws of said Commonwealth and having a usual place of business in said ..... and its officers and stockholders, their residences, and shares owned by each are as follows:

(NAME) (ADDRESS) (SHARES)  
FROM: (PLACE AND \* BEFORE THE NAME OF EACH DIRECTOR)

.....	.....	.....
* Kathleen Delpru	20 Patricia Lane Dracut MA 01879	50
President	.....	.....
.....	.....	.....
Treasurer	.....	.....

.....	.....	.....
* Charles Rogers	20 Patricia Lane Dracut MA 01879	150
Clerk	.....	.....
Secretary	.....	.....

The above named proposed transferee hereby joins in this petition for transfer of said license, and respectfully petitions the Board to grant such transfer.

SIGNATURE OF  
LICENSEE.....  
(If a corporation, by its authorized representative)

SIGNATURE OF PROPOSED  
TRANSFeree..... Charles Rogers  
(If a corporation, by its authorized representative)

FORM 983

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
CENTRAL DIVISION

In re  
Houston & Hughes, Inc.  
Debtor(s)

Chapter 7  
No. 10-41392-MSH

**TRUSTEE'S MOTION FOR ORDER AUTHORIZING AND APPROVING PRIVATE  
SALE OF ESTATE PROPERTY FREE AND CLEAR OF LIENS AND ENCUMBRANCES**

To the Honorable Melvin S. Hoffman, Bankruptcy Judge:

Now comes David M. Nickless, duly appointed Chapter 7 Trustee (the "Trustee") in the above matter, and respectfully represents that:

1. Houston & Hughes, Inc. f/d/b/a Tyng's Tavern & Grill (the "Debtor") filed a petition for relief under Chapter 7 of the Bankruptcy Code on March 24, 2010.
2. On the date of filing of the bankruptcy petition, the Debtor owned a retail liquor license in the Town of Tyngsboro (the "Liquor License").
3. The Debtor listed the value of the Liquor License as unknown.
4. The Town of Tyngsboro currently has three entities waiting to acquire a liquor license.
5. The Trustee has solicited offers from each of the entities in Tyngsboro who have expressed an interest in acquiring a Liquor License.
6. One of the entities, Delpero Enterprises, Inc., which runs Café il Ciproso in Tyngsboro, ("Delpero") made an offer to purchase the Liquor License from the bankruptcy estate for \$10,000.00 free and clear of liens and encumbrances.
7. The sale is conditioned only on final approval of Delpero's application through the Massachusetts Alcoholic Beverages Control Commission and the Town of Tyngsboro.

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
CENTRAL DIVISION

In re  
Houston & Hughes, Inc.  
Debtor(s)

Chapter 7  
No. 10-41392-MSH

ORDER

At Worcester in said district this \_\_\_\_\_ day of \_\_\_\_\_, 2010

This matter having come before me on the Trustee's Motion For Order Authorizing and Approving the Private Sale of Estate Property Free and Clear of Liens and Encumbrances and Notice of Intended Private Sale of Estate Property, Solicitation of Counteroffers, Deadline For Submitting Objections and Higher Offers and Hearing Date, notice having been provided to all interested parties, and no objections or overbids having been filed, it is hereby

ORDERED

1. The Trustee is authorized to sell a retail liquor license in the Town of Tyngsboro free and clear of liens and encumbrances to Delpero Enterprises, Inc. for \$10,000.00;
2. The Trustee is authorized to execute all documents and take all steps necessary to transfer the license with the Massachusetts Alcoholic Beverages Control Commission and the Town of Tyngsboro; and
3. The Trustee is authorized to execute all documents necessary to consummate the sale.

\_\_\_\_\_  
Melvin S. Hoffman  
Bankruptcy Judge

Delpero Enterprises, Inc.  
130 Middlesex Road, Suite 5  
Tyngsborough, MA 01879

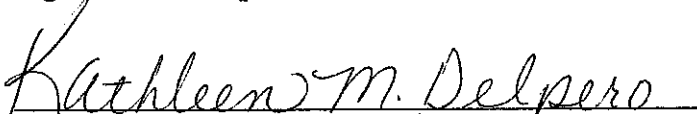
**Corporate Vote**

After a meeting of the Board of Directors, it is hereby VOTED, unanimously, to do the following

1. Purchase the existing Full Liquor License, held by Houston and Hughes, Inc and/or Attorney David Nickless Trustee for the US Bankruptcy Court.
2. Complete all the paperwork to transfer the Full Liquor License to Delpero Enterprises, Inc.
3. Appoint Charlene Rogers as Manager for the Full Liquor License

And further, it was hereby VOTED, unanimously, by said Board to authorize the officers of the Corporation, or their appointed representative, to apply to the Town of Tyngsborough to accept said changes.

Signed under Corporation Seal this 10<sup>th</sup> day of August 2010.

  
Kathleen Delpero - President

  
Charlene Dutney-Rogers - Secretary



## SECURED PARTY BILL OF SALE

THIS SECURED PARTY BILL OF SALE is made this 10<sup>th</sup> day of August 2010, by ENTERPRISE BANK AND TRUST COMPANY, a Massachusetts banking organization, with its principal offices in Lowell, Massachusetts ("Seller"), to Delpero Enterprises, Inc DBA Caffè Il Ciproso of Tyngsboro, MA ("Buyer").

### WITNESSETH:

WHEREAS Seller has a security interest in assets of Houston & Hughes, Inc., a Massachusetts Corporation, ("Debtor"), including but not limited to the property described on Exhibit A hereto (the "Property"); and

WHEREAS, the indebtedness secured by the Property is in default, and Seller has the right to foreclose upon and sell said Property pursuant to the Uniform Commercial Code; and

WHEREAS, Seller wishes to sell, and Buyer wishes to purchase, the Property pursuant to this Bill of Sale.

Seller has been granted Relief from Stay in the Debtor's Bankruptcy filing, Case #10-41392.

NOW, THEREFORE, in consideration of the foregoing and the payment of \$10,000.00 (the "Purchase Price"), the receipt and sufficiency of which are hereby acknowledged, and pursuant to the Uniform Commercial Code, Seller does hereby grant, bargain, sell, assign, transfer and convey unto Buyer, its successors and assigns, all right, title and interest of Seller and Debtor in and to the Property upon and subject to any terms described herein.


SELLER MAKES NO REPRESENTATION OR WARRANTY, EXPRESS OR IMPLIED, AS TO ANY MATTER WHATSOEVER, INCLUDING, BUT NOT LIMITED TO: THE TITLE TO THE PROPERTY; THE CONDITION, DESIGN, OR QUALITY OF THE PROPERTY; THE FITNESS OF THE PROPERTY FOR USE OR FOR A PARTICULAR PURPOSE; OR ANY OTHER REPRESENTATION OR WARRANTY OF ANY KIND WITH RESPECT TO THE OPERATION, USE OR PERFORMANCE OF THE PROPERTY. BUYER ACKNOWLEDGES THAT SELLER MAKES NO SUCH REPRESENTATION OR WARRANTY AND BUYER PURCHASES THE PROPERTY "AS IS" IN ITS CURRENT CONDITION.

Buyer agrees to be responsible for, and hereby agrees to hold Seller harmless from and against, all taxes, liens, charges, and encumbrances now existing or hereafter incurred, assessed, or imposed on the Property or as a result of the ownership or sale of the Property.

IN WITNESS WHEREOF, Seller has executed this instrument on the date first above written.

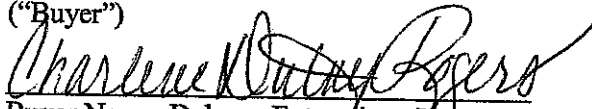
ENTERPRISE BANK AND TRUST COMPANY  
("Seller")

By

 SVP  
DENISE D. AGGOTT

Its: Sr. Vice President

Accepted and Agreed to by:  
("Buyer")



Buyer Name: Delpero Enterprises, Inc

By: Charlene Dutney Rogers

Its: Secretary

**EXHIBIT A  
TO  
BILL OF SALE  
DATED AUGUST 10, 2010,  
BETWEEN  
ENTERPRISE BANK AND TRUST COMPANY, AS SELLER  
AND  
DELPERO ENTERPRISES, INC., AS BUYER**

The Property sold pursuant to the Bill of Sale is all of the right, title and interest of Enterprise Bank and Trust Company and Houston & Hughes, Inc. in and to the following:

**Bar Equipment**

6 ft. True Under-counter Bar Fridge  
4 ft. True Under-counter Bar Fridge  
8 ft. Superior Under-counter Bar Fridge  
Diversey Bar Glass Cleaner  
6 ft. Stainless Sink (3 hole)  
2 - 3 ft. Stainless Bar Sinks  
3 - Beer Taps (4 taps)  
Manitowoc Series 400 Ice Maker  
Tafco Walk-In Fridge/Freezer  
    Bohm coolers  
Soda/Beer taps/dispensers/lines  
Miller Lite Neon Sign

**Kitchen**

Hobart Meat Slicer  
8 ft. Stainless Table  
Glenco XL Series E Fridge  
4 ft. Stainless Table w/ sink  
2 - Pitco Fryolaters  
Blodgett Convection Oven  
TEC Infrared Grill w/ Stand  
Garland 6 Burner Stove and Oven  
24" Flat Top Grill w/ Stand  
Traulsen Fridge  
3 sink Stainless Table  
Commercial Hobart Washer  
Sandwich Table  
Craig Under-counter Fridge  
Hobart Dough Mixer Model A-200  
Assorted Pans/Trays  
8 ft. Stainless Table with 2 Roll Warmers and Overshelves w/ Heat Lamp

D

# The Commonwealth of Massachusetts

William Francis Galvin  
Secretary of the Commonwealth  
One Ashburton Place, Boston, Massachusetts 02108-1512

FORM MUST BE TYPED

## Articles of Organization

FORM MUST BE TYPED

(General Laws Chapter 156D, Section 2.02; 950 CMR 113.16)

### ARTICLE I

The exact name of the corporation is:

Delpero Enterprises, Inc.

### ARTICLE II

Unless the articles of organization otherwise provide, all corporations formed pursuant to G.L. Chapter 156D have the purpose of engaging in any lawful business. Please specify if you want a more limited purpose:

To engage in the ownership and operation of a restaurant and catering business in the Commonwealth of Massachusetts or otherwise, and to perform all other lawful business activities not limited thereto as authorized by the Act.

### ARTICLE III

State the total number of shares and par value, \* if any, of each class of stock that the corporation is authorized to issue. All corporations must authorize stock. If only one class or series is authorized, it is not necessary to specify any particular designation.

WITHOUT PAR VALUE		WITH PAR VALUE		
TYPE	NUMBER OF SHARES	TYPE	NUMBER OF SHARES	PAR VALUE
		Common	200	.01¢

**ARTICLE IV**

Prior to the issuance of shares of any class or series, the articles of organization must set forth the preferences, limitations and relative rights of that class or series. The articles may also limit the type or specify the minimum amount of consideration for which shares of any class or series may be issued. Please set forth the preferences, limitations and relative rights of each class or series and, if desired, the required type and minimum amount of consideration to be received.

None.

**ARTICLE V**

The restrictions, if any, imposed by the articles of organization upon the transfer of shares of any class or series of stock are:

None.

**ARTICLE VI**

Other lawful provisions, and if there are no such provisions, this article may be left blank.

None.

## ARTICLE VII

The effective date of organization of the corporation is the date and time the articles were received for filing if the articles are not rejected within the time prescribed by law. If a later effective date is desired, specify such date, which may not be later than the 90th day after the articles are received for filing:

## ARTICLE VIII

The information contained in this article is not a permanent part of the articles of organization.

- a. The street address of the initial registered office of the corporation in the commonwealth:

11 Summer Street, Suite 2, Chelmsford, MA 01824

- b. The name of its initial registered agent at its registered office:

Robert T. Wyman, Esq.

- c. The names and street addresses of the individuals who will serve as the initial directors, president, treasurer and secretary of the corporation (an address need not be specified if the business address of the officer or director is the same as the principal office location):

President: Kathleen Delpero, 76 Sleeper Circle, Fremont, NH 03044

Treasurer: Kathleen Delpero, 76 Sleeper Circle, Fremont, NH 03044

Secretary: Charlene Dutney, 52 Reagan Road, Dracut, MA 01826

Director(s): Charlene Dutney, 52 Reagan Road, Dracut, MA 01826

- d. The fiscal year end of the corporation: December 31

- e. A brief description of the type of business in which the corporation intends to engage: ownership and operation of a restaurant and catering business.

- f. The street address of the principal office of the corporation:

130 Middlesex Road, Tyngsboro, MA 01879

- g. The street address where the records of the corporation required to be kept in the commonwealth are located is:

130 Middlesex Road, Tyngsboro, MA 01879

, which is

(number, street, city or town, state, zip code)

- ☒ its principal office;  
☐ an office of its transfer agent;  
☐ an office of its secretary/assistant secretary;  
☐ its registered office.

Signed this 22nd day of June, 2007 by the incorporator(s):

Signature:

Name:

Robert T. Wyman, Esq.

Address:

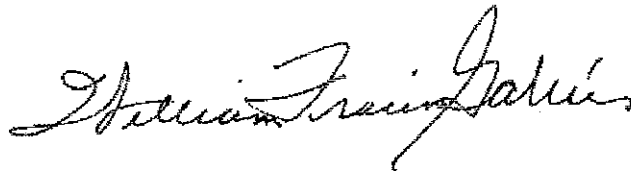
11 Summer Street, Suite Two, Chelmsford, MA 01824

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are

deemed to have been filed with me on:

June 22, 2007 4:56 PM

A handwritten signature in cursive script, reading "William Francis Galvin".

WILLIAM FRANCIS GALVIN

*Secretary of the Commonwealth*



**The Commonwealth of Massachusetts**  
**William Francis Galvin**

Minimum Fee: \$100.00

Secretary of the Commonwealth, Corporations Division  
One Ashburton Place, 17th floor  
Boston, MA 02108-1512  
Telephone: (617) 727-9640

**Annual Report**

(General Laws, Chapter 156D, Section 16.22; 950 CMR 113.57)

**Federal Employer Identification Number:** 000954492 (must be 9 digits)

**1. Exact name of the corporation:** DELPERO ENTERPRISES, INC.

**2. Jurisdiction of Incorporation:** State: MA Country:

**3,4. Street address of the corporation registered office in the commonwealth and the name of the registered agent at that office:**

Name: ROBERT T. WYMAN, ESQ.

No. and Street: 11 SUMMER ST., SUITE 2

City or Town: CHELMSFORD State: MA Zip: 01824 Country: USA

**5. Street address of the corporation's principal office:**

No. and Street: 130 MIDDLESEX RD.

City or Town: TYNGSBORO State: MA Zip: 01879 Country: USA

**6. Provide the name and addresses of the corporation's board of directors and its president, treasurer, secretary, and if different, its chief executive officer and chief financial officer.**

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
PRESIDENT	KATHLEEN DELPERO	20 PATRICIA LANE DRACUT, MA 01826 USA
TREASURER	KATHLEEN DELPERO	20 PATRICIA LANE DRACUT, MA 01826 USA
SECRETARY	CHARLENE DUTNEY ROGERS	20 PATRICIA LANE DRACUT, MA 01826 USA
DIRECTOR	CHARLENE DUTNEY ROGERS	20 PATRICIA LANE DRACUT, MA 01826 USA

**7. Briefly describe the business of the corporation:**

RESTAURANT

**8. Capital stock of each class and series:**

Class of Stock	Par Value Per Share Enter 0 if no Par	Total Authorized by Articles of Organization or Amendments		Total Issued and Outstanding Num of Shares
		Num of Shares	Total Par Value	
CWP	\$0.01000	200	\$2.00	0

9. Check here if the stock of the corporation is publicly traded: ☐

10. Report is filed for fiscal year ending: 12/31/ 2009

Signed by CHARLENE DUTNEY ROGERS, its OTHER OFFICER  
on this 11 Day of March, 2010



**LEASE**

**BY AND BETWEEN**

**DAVID V. POPOLIZIO, TRUSTEE OF  
TYNGSBORO PLAZA TRUST, LESSOR**

**AND**

**DELPERO ENTERPRISES, INC, LESSEE**

**FOR PREMISES LOCATED AT**

**TYNGSBORO PLAZA  
130 MIDDLESEX ROAD  
TYNGSBORO, MASSACHUSETTS 01879**

**LEASE COMMENCEMENT DATE:**

**JULY 1, 2010**

*Handwritten initials*

## TABLE OF CONTENTS

SECTION	PAGE NUMBER
TABLE OF CONTENTS	1
1. PARTIES	2
2. PREMISES	2
3. SECURITY DEPOSIT	2
4. TERM	2
5. GROSS RENT	3
6. COMMON AREA OPERATION	3
7. UTILITIES	3
8. USE OF LEASED PREMISES	4
9. COMPLIANCE WITH LAWS	4
10. FIRE INSURANCE	4
11. MAINTENANCE OF PREMISES	5
12. ALTERATIONS; ADDITIONS	5
13. ASSIGNMENT; SUBLEASING	6
14. SUBORDINATION	6
15. LESSOR'S ACCESS	6
16. INDEMNIFICATION AND LIABILITY	7
17. LESSEE'S LIABILITY INSURANCE	7
18. FIRE, CASUALTY, AND EMINENT DOMAIN	7
19. DEFAULT AND BANKRUPTCY	8
20. NOTICE	9
21. SURRENDER	9
22. ESTOPPEL CERTIFICATE	9
23. LESSEE'S WARRANTIES	10
24. AMENDMENTS	10
25. WAIVER	10
26. SIGNAGE	10
27. NOTICE OF LEASE	10
28. COVENANT OF QUIET ENJOYMENT	11
29. LESSEE'S SELF HELP CLAUSE	11
30. LESSOR'S EX. FROM LIABILITY	11
31. LESSEE AND EMPLOYEE PARKING	11
LESSOR AND LESSEE SIGNATURE PAGE	12
EXHIBIT A: DESCRIPTION OF PREMISES	13
EXHIBIT B: RULES AND REGULATIONS	14
EXHIBIT C: FIRST YEAR RENT PAYMENTS/CONDITIONS	17

## **PARTIES**

David V. Popolizio, Trustee of Tyngsboro Plaza Trust, LESSOR, which expression shall include its heirs, successors, and assigns where the context so admits, does hereby lease to: **Delpero Enterprises, Inc.** LESSEE which expression shall include its successors, executors, administrators, and assigns where the context so admits, and the LESSEE hereby leases the following described premises: **Unit A**

### **1. PREMISES**

Being a portion of the building located at 130 Middlesex Road in Tyngsboro, Middlesex County, Massachusetts, known as Tyngsboro Plaza, ("The Shopping Center") together with the right to use in common, with others entitled thereto, a certain space situated in and upon said real estate as shown on a floor plan of Tyngsboro Plaza attached hereto and marked "Exhibit A," containing approximately 4500 square feet of floor space, the hallways, stairways and elevators, necessary for access to said leased premises and lavatories nearest thereto, together with the right to use the parking areas in common with the other tenants at the Tyngsboro Plaza.

### **2. SECURITY DEPOSIT**

Upon execution of this Lease, the LESSEE shall deposit with the LESSOR \$1950.00 that shall be held as security deposit for the LESSEE's performance as herein provided and shall be refunded to the LESSEE at the expiration of this Lease subject to the LESSEE'S satisfactory compliance with the conditions hereof.

### **3. TERM**

The term of this Lease shall be for five (5) year(s) commencing on July 1, 2010 and ending on June 30, 2015. At the expiration of the initial term of this Lease, the LESSEE may cause this Lease to be extended for one (1) additional five (5) year term(s). The LESSEE'S right to exercise its right to extend for such one (1), five (5) year term(s), total of five (5) years, shall be contingent upon LESSEE having provided written notification to the LESSOR of its intent to extend this Lease one hundred and twenty (120) days prior to the expiration of the original lease term and for any extended term(s); further contingent upon said LESSEE not being in material default with respect to any of the terms and conditions of this Lease.

#### **4. GROSS RENT**

The LESSEE shall pay to the LESSOR gross rent at the rate of ~~\$42,000.00~~ per year, payable in advance in monthly installments of ~~\$3500.00~~ for the first year of this Lease (see exhibit C). Rents are due and payable on the first of each and every month. Any rent payments made after the 5<sup>th</sup> of the month are subject to a 5% penalty.

For each and every year of this Lease after the first year, whether during the original or any extended term hereof, the gross annual rent shall be increased by 4%

"Year" shall mean a twelve-month period beginning on the commencement date of this Lease or any anniversary thereof.

#### **5. COMMON AREA OPERATION**

LESSOR OR LESSOR'S assigns shall continuously throughout the term operate, manage, equip, light, repair, and maintain the common areas for their intended purposes and provide for the plowing of snow and sanding and salting of ice on the parking areas, walkways, and driveways in the common areas, provided however that tenant shall be responsible for the removal of ice and snow from the sidewalk area in front of the premises. Operation of the common areas shall include, without limitation, landscaping, line painting, exterior sanitary control, sweeping, and trash removal

#### **6. UTILITIES**

The LESSOR shall provide to the unit, the LESSEE shall pay for the use of LESSEE'S utilities.

LESSOR shall furnish and LESSEE shall pay for all gas, electricity, heating fuel, water and other utilities required on the leased premises. LESSOR shall furnish to the LESSEE cold water and the LESSEE shall pay metered water charges imposed by the Town of Tyngsboro.

## **7. USE OF LEASED PREMISES**

- a. The LESSEE shall use the leased premises for the purpose of a(n) restaurant, and doing all things reasonably connected therewith, and shall use the leased premises for no other purpose without the prior written consent of the LESSOR.
- b. The LESSEE agrees that the LESSOR may make, amend, modify, delete, or add reasonable Rules and Regulations for the use and care of the demised property, the building for which such is a part, and the common use area, for the purpose of preventing interference of one tenant with another's business and generally resulting in the use of the premises to the benefit of all LESSEES. The LESSEE agrees to comply with all such Rules and Regulations upon notice to the LESSEE from the LESSOR or upon posting the same in such place within the building of which the demised property is situated as the LESSORS may designate; provided that such Rules and Regulations shall apply uniformly to all of the tenants of such building (see Rules and Regulations attached hereto as Exhibit B). In addition, the LESSEE and all invitees, licensees, customers, and guests of the LESSEE shall comply with such Rules and Regulations.

## **8. COMPLIANCE WITH LAWS**

The LESSEE acknowledges that no trade or occupation shall be conducted in the leased premises or use made thereof which will be unlawful, improper, noisy, or offensive, or contrary to any law or any municipal bylaw or ordinance in force in the city or town in which the premises are situated.

## **9. FIRE INSURANCE**

The LESSEE shall not permit any use of the leased premises which will make voidable any insurance on the property of which the leased premises are a part, or on the contents of said property of which the leased premises are a part, or on the contents of said property or which shall be contrary to any law or regulation from time to time established by the New England Fire Insurance Rating Association, or any similar body succeeding to its powers. The LESSEE shall on demand reimburse the LESSOR, and all other tenants, all extra insurance premiums caused by the LESSEES use of the leased premises, including but not limited to any increase in fire insurance premiums.

## **10. MAINTENANCE OF PREMISES**

The LESSEE agrees to maintain the leased premises in the same condition as they are at the commencement of the term or as they may be put in during the term of this Lease, reasonable wear and tear, damage by fire and other casualty only excepted, and whenever necessary, to replace plate glass and other glass therein, acknowledging that the leased premises are now in good order and the glass whole. The LESSEE shall not permit the leased premises to be overloaded, damaged, stripped, or defaced, nor suffer any waste.

The LESSOR shall be responsible for structural maintenance, keeping in good order and repair the foundation, roof and exterior of the building, drains, down spouts, gutters, outside sewer and water service lines and electrical service to the panels, on the leased premises and sidewalks and paved parking area within Tyngsboro Plaza, as the same were in on the beginning date of this Lease or may be put in thereafter by the LESSOR, reasonable use and wear and unavoidable casualty and taking by public authority alone excepted the LESSEE acknowledges that the same are now whole and in good order. LESSOR shall not be liable for failure to make or to install the same to any cause beyond LESSOR'S control. LESSOR agrees that within a reasonable period of time after written notice specifying the necessary repairs to him by the LESSEE, he will make such repairs as are reasonable required.

Provided, however, that any such structural maintenance or repairs required by the reason of damage to the leased premises due to any act or omission of the LESSEE, or anyone acting through or under LESSEE, or third persons transacting business with LESSEE, or if such damage is covered by any policy or policies of insurance then maintained in effect by the LESSEE, shall be performed by LESSEE at LESSEE'S expense. LESSEE shall maintain and keep in good order and repair (and replace if necessary) the remainder of the leased premises not covered by the foregoing section, including without in any way limiting the generality of the foregoing, all painting, wall coverings, floor coverings, ceiling, partitions, windows, doors, fixtures and appurtenances, plumbing, electrical, air conditioning equipment, and heating equipment.

## **11. ALTERATIONS AND ADDITIONS**

The LESSEE shall not make structural alterations or additions to the leased premises, but may make nonstructural alterations provided the LESSOR consents thereto in writing, and such consent shall not be unreasonable withheld or delayed. All such allowed alterations shall be at

LESSEE'S expense and shall be in quality at least equal to the present construction. Any and all work involved in any alteration or improvement shall be borne by the LESSEE and such work shall not interfere with the rights or structures of adjoining and other tenants. LESSEE shall not permit any mechanics' liens, or similar liens, to remain upon the leased premises for labor and material furnished to LESSEE, or claimed to have been furnished to LESSEE in connection with work of any character performed at the direction of LESSEE and shall cause any such lien to be released of record forthwith without cost to LESSOR. Any alterations or improvements made by the LESSEE shall remain the property of the LESSOR at the termination of occupancy as provided herein, unless otherwise agreed to. LESSEE may remove trade fixtures at its cost and the cost of restoring the premises following the removal of such fixtures shall be borne by the LESSEE. The cost of removing or dismantling any alterations or improvements shall be borne by the LESSEE.

## **12. ASSIGNMENT/SUBLEASING**

The LESSEE shall not assign or sublet the whole or any part of the leased premises without LESSOR'S prior written consent, which consent shall not be unreasonable withheld or delayed. Notwithstanding such consent, LESSEE shall remain liable to LESSOR for the payment of all rent and for the full performance of the covenants and conditions of this lease.

## **13. SUBORDINATION**

The LESSEE shall be subject and subordinate to any and all mortgages, deeds of trust, and other instruments in the nature of a mortgage, now or at any time hereafter, a lien or liens on the property of which the leased premises are a part and provided that the holder of any such mortgage, deed of trust or lien shall have agreed in writing to recognize this Lease and not disturb LESSEE'S tenancy here under and the LESSEE shall, when requested, promptly execute and deliver such written instruments as shall be necessary to show the subordination of this Lease to said mortgages, deeds of trust, or other such instruments in the nature of a mortgage, provided that the LESSEE shall receive written confirmation of the said recognition and non-disturbance of its tenancy

## **14. LESSOR'S ACCESS**

The LESSOR or agents of the LESSOR may, at reasonable times, enter to view the leased premises and may remove placards and signs not approved and affixed as herein provided, and make repairs and alterations as LESSOR should elect to do and may show the leased premises to others, and at any time

within three (3) months before the expiration of the term, may affix to any suitable part of the leased premises a notice for letting of the leased premises or property of which the leased premises are a part and keep the same so affixed without hindrance or molestation.

#### **15. INDEMNIFICATION AND LIABILITY**

The LESSEE shall save the LESSOR harmless from all loss and damage occasioned by the use or escape of water or by the bursting of pipes, not caused by LESSOR, as well as from any claim or damage resulting from the neglect in not removing snow and ice from the sidewalks bordering upon the premises so leased, or by any nuisance made or suffered on the leased premises. The LESSOR shall not be liable for any damage arising from acts of owners or occupants of adjacent or contiguous property.

#### **16. LESSEE'S LIABILITY INSURANCE**

The LESSEE shall maintain with respect to the leased premises and the property, of which the leased premises are a part, comprehensive public liability insurance in the amount of **\$1,000,000** in responsible companies qualified to do business in Massachusetts and in good standing therein insuring the LESSOR as well as LESSEE against injury to person or damage to property as provided. Said property damage insurance to include coverage of any and all plate glass or other glass on the premises leased by LESSEE. The LESSEE shall deposit with the LESSOR certificates for such insurance at or prior to the commencement of the terms, and thereafter within thirty (30) days prior to the expiration of such policies. All such insurance certificates shall provide that such policies shall not be cancelled without at least ten (10) days prior written notice to each assured named therein. LESSOR shall carry public liability insurance, fire insurance and other hazard insurance as is necessary hereunder.

#### **17. FIRE, CASUALTY, EMINENT DOMAIN**

Should a substantial portion of the leased premises, or of the property of which they are a part, be substantially damaged by fire or other casualty, or be taken by eminent domain, the LESSOR may elect to terminate this lease. Provided however that if such damage insurance proceeds together with sums provided by the LESSEE are sufficient to repair such damage or replaced property so taken to the satisfaction of LESSEE then premises shall be repaired or such property taken replaced. When such fire, casualty, or taking renders the leased premises substantially unsuitable for their intended use, a just and proportionate abatement of rent shall be made, and the LESSEE may



elect to repair or replace the leased premises at LESSEE'S expense or to terminate this Lease if:

- a. The LESSOR fails to give written notice within thirty (30) days of said fire, casualty or taking of his intention to restore leased premises, or
- b. The LESSOR fails to restore the leased premises to a condition substantially suitable for their intended use within ninety (90) days of said fire, casualty, or taking.

The LESSOR reserves, and the LESSEE grants to the LESSOR, all rights which the LESSEE may give for damages or injury to the leased premises for any taking by eminent domain, except for damage to the LESSEE'S fixtures, property, or equipment.

## **18. DEFAULT AND BANKRUPTCY**

The LESSOR shall retain all rights to recover possession as provided by law, upon LESSEE'S failure to pay rent or to honor any other covenant as herein agreed.

The LESSEE covenants and agrees to indemnify and hold harmless the LESSOR from and against any and all loss of rent, damages, and other expenses, including reasonable attorney fees, brokerage, and costs of reletting incurred by the LESSOR by reason of termination due to LESSEE'S default; the reasonable cost incurred in cleaning and repainting the premises in order to relet the same; and moving and storage charges incurred by the LESSOR in moving LESSEE'S belongings pursuant to eviction proceedings. The LESSEE further agrees that it will upon demand pay to the LESSOR in the event of such termination a sum equal to the amount by which the rent and other charges herein reserved for the balance of the term herein above specified exceeds the fair rental value of the premises for the balance of said term. It is mutually agreed and understood that in case at any time default shall be made by the LESSEE in the payment of any rent upon the day when the same shall become due and payable and such default shall continue for ten (10) days, or in case default shall be made by the LESSEE in the performance of any of the other terms, conditions or covenant of said Lease by said LESSEE to be performed, other than the covenant for the payment of rent, and said default shall continue for a period of thirty (30) days after the service of written notice of such default by the LESSOR (no notice of default in the payment of rent being necessary) then the LESSOR may enter into and upon the demised premises or any part thereof and repossess the same, with or without termination of this Lease and without prejudice to any of his remedies for rent or breach of covenant and in any such event may at his election terminate said Lease by giving written notice of his election to do so, or may, at this option, let the premises or any part thereof as the agent of the LESSEE or otherwise. The foregoing rights and remedies given to the LESSOR are,

and shall be deemed to be given to said LESSOR by the terms of this lease or by law, and the failure upon the part of the LESSOR at any time to exercise any rights or remedy hereby given to him shall not be deemed to operate as a waiver by him of his right to exercise such right or remedy at any other or future time.

## **19. NOTICE**

Any notice from the LESSOR to the LESSEE relating to the leased premises or to the occupancy thereof shall be deemed duly served, if mailed by registered or certified mail, return receipt requested, postage prepaid, addressed to the LESSEE, or if left at the leased premises addressed to the LESSEE. Any notice from the LESSEE to the LESSOR relating to the leased premises or to the occupancy thereof, shall be deemed duly served if mailed to the LESSOR by certified mail, return receipt requested, postage prepaid, addressed to the LESSOR at such address as the LESSOR may from time to time advise in writing. All rent and notices shall be paid and sent to the LESSOR at 175 Littleton Road, Westford, MA 01886. Service by Constable showing delivery to the premises, in case of LESSEE, or to LESSOR'S address as described herein shall be an acceptable method of giving notice.

## **20. SURRENDER**

The LESSEE shall at the expiration or other termination of this Lease (which shall include LESSEE'S default hereunder), remove all LESSEE'S goods and effects from the leased premises (including, without hereby limiting to trade fixtures). LESSEE shall deliver to the LESSOR the leased premises and all locks, keys thereto, and other fixtures connected therewith, and all alterations and additions made to or upon the leased premises, broom clean and in the same condition as they were at the commencement of the term, or as they were put in during the term hereof, reasonable wear and tear and damage by fire or other casualty only excepted. In the event of termination and the LESSEE'S failure to remove any of LESSEE'S property from the premises, LESSOR is hereby authorized, without liability to LESSEE for loss or damage thereto, and at the sole risk of LESSEE, to take possession of the premises and to change the locks if necessary in the sole discretion of LESSOR and to remove and store any of the property at LESSEE'S expense, or to retain same under LESSOR'S control or to sell at public or private sale without notice, any or all of the property and to apply the net proceeds of such sale to the payment of any sum due hereunder, or to destroy such property without recourse.

## **21. ESTOPPEL CERTIFICATE**

Each party shall from time to time, upon not less than twenty (20) days prior to written request by the other, execute, acknowledge, and deliver to the other a statement in writing certifying that this Lease is in full force and effect as modified (and stating the modifications) and the date to which the rental and other charges have been paid in advance, if any, it being intended that any such statement may be relied upon by any prospective purchaser of the fee, mortgagee, assignee, or sub lessee of the leasehold estate.

## **22. LESSEE'S WARRANTIES**

LESSEE warrants and represents to the LESSOR that it is authorized to enter into this Lease and that the LESSEE is authorized pursuant to the laws of the Commonwealth of Massachusetts to conduct business in Massachusetts.

## **23. AMENDMENTS**

This Lease may be modified only in writing and signed by the LESSOR and LESSEE. Said amendment will take effect and be binding to the LESSOR and LESSEE upon the execution of the amendment. Upon the request of either party, if necessary, a written declaration of amendment will be executed and duly recorded.

## **24. WAIVER**

One or more waivers of the breach of covenant or condition by either party shall not be construed as a waiver of a further breach of the same covenant or condition of this Lease.

## **25. SIGNAGE**

The LESSEE, receiving written consent from LESSOR, may erect and maintain a sign attached to the storefront of the leased premises, both of which shall comply with the requirements of the Town of Tyngsboro Zoning Bylaws. No individual freestanding sign shall be allowed. In any event, no sign may be erected anywhere on the leased premises without LESSOR'S express written approval

## **26. NOTICE OF LEASE**

This Lease is not to be recorded. However, at LESSOR'S request, the parties hereto shall execute a Notice of Lease in a form sufficient to be recorded at the appropriate Registry of Deeds.

## **27. COVENANT OF QUIET ENJOYMENT**

The LESSOR covenants that upon LESSEE'S compliance with the terms of this Lease, LESSEE may use and occupy the leased premises throughout the full term, including extensions, without any disturbance by LESSOR or any party claiming by, through, or under LESSOR.

## **28. LESSEE'S SELF HELP CLAUSE**

In the event that LESSOR shall fail to make any repair, or to perform any obligation to maintain required by this Lease within thirty (30) days after written notice from LESSEE, then LESSEE may, upon the ten (10) days prior written notice to LESSOR, make such repairs or perform such maintenance at LESSOR'S expense and LESSOR shall pay LESSEE for sums incurred or paid in connection therewith upon presentment of written itemization of costs incurred.

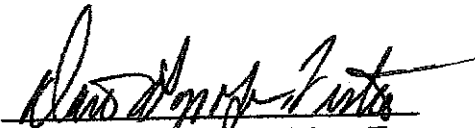
## **29. LESSOR'S EXCULPATION FROM LIABILITY**


If the LESSOR sells or transfers his fee interest in the property, he will be relieved of responsibility for future LESSOR obligations under the Lease. Furthermore, the LESSOR is not to be personally responsible under the Lease by recourse can only be made to the premises in the event of a LESSOR default.

## **30. LESSEE AND EMPLOYEE PARKING**

The LESSEE and LESSEE'S employees are to park in the rear of the premises or in the parking area nearest the left facing side of the Plaza, and in no event will they be allowed to park in the parking area directly in front of the Tyngsboro Plaza.

IN WITNESS WHEREOF, the LESSOR and LESSEE have hereunto set their hands and seal this 3RD day of MAY, 2010.

  
LESSOR: Tyngsboro Plaza Trust  
By: David V. Popolizio, Trustee


  
LESSEE: Delpero Enterprises Inc.  
By: Charlene Rogers, Secretary

In consideration of the covenants contained herein, the execution of the LEASE by the LESSOR and the sum on One (\$1.00) Dollar paid by the LESSOR to the undersigned Guarantor, the receipt and sufficiency of which is hereby acknowledged, the undersigned does hereby guarantee performance by the LESSEE of each and every covenant of the LESSEE and shall stand bound jointly and severally to the terms and conditions of the Lease as if named herein as LESSEE.

Witness my hand seal this 3RD day of MAY, 2010.

  
By: Charlene Rogers, Individually

Receipt of the security deposit totaling \$ 1950.00 is hereby acknowledged.

  
By: Tyngsboro Plaza Trust  
David V. Popolizio, Trustee

**EXHIBIT A**

**FLOOR PLAN OF TYNGSBORO PLAZA  
OWNED BY: TYNGSBORO PLAZA TRUST**

<b>UNIT</b>	<b>SQUARE FEET</b>	<b>UNIT</b>	<b>SQUARE FEET</b>
1	1000	9	1000
2	1500	10	1100
3	1250	11	1000
4	1250	12	1000
5	1650	13	1100
6	850	14	1100
7	1250	15	1100
8	1200	16	1100
A	4502		

## **EXHIBIT B**

### **RULES AND REGULATIONS ATTACHED TO AND MADE PART OF THIS LEASE**

1. No sign, placard, picture, advertisement, name, or notice shall be inscribed, displayed, printed, or affixed on, or to any part of the outside of the building without prior written consent of LESSOR. LESSOR shall have the right to remove any such sign, placard, advertisement, name or notice without notifying the LESSOR and at the expense of the LESSEE.

All approved signs or lettering on doors shall be printed, painted, affixed, or inscribed at the expense of LESSEE by a person approved of by LESSOR. LESSEE shall submit to LESSOR a proposed sign for review by LESSOR pursuant to this paragraph. LESSEE shall not place anything or allow anything to be placed near the glass of any window, door, partition, or wall, which may in LESSOR'S opinion appear unsightly from outside the premises.

2. No LESSEE shall have property stored outside, except with the prior consent of LESSOR.
3. All sidewalks, halls, passages, exits, entrances, elevators, and stairways of the building, if any, shall not be obstructed by any LESSEE or used by him for any purpose other than for ingress to and egress from his respective premises. No LESSEE and no employees or invitees of LESSEE shall go up on the roof of the building.
4. LESSEE shall not alter any lock nor install any new or additional locks or any bolts on any door of the premises without prior written consent of LESSOR. The LESSOR shall be furnished with a copy of keys to LESSEE'S rental space.
5. LESSEE shall not overload the floor of the premises or mark, drive nails, screw, or drill into the partitions, woodwork, or plaster, or in any way deface the premises or any part thereof.
6. LESSEE shall not use, keep or permit to be used or kept any foul or noxious gas or substance in the premises, or permit or suffer the premises to be occupied or used in a manner offensive or objectionable to LESSOR or other occupants of the building by reason of noise, odors, and/or vibrations, or interfere in any way with other LESSEE'S or those having business therein, nor shall any animals or birds be kept in or about the premises of the building.

7. Cooking by the LESSEE, using the same type of equipment as of the Lease inception date, is permitted on the premises. Any changes to the type of cooking equipment shall be subject to the written approval of LESSOR. The premises shall not be used for washing clothes, for lodging, or for any improper, objectionable, or immoral purposes.
8. LESSEE shall not use or keep in the premises of the building any kerosene, gasoline, or inflammable or combustible fluid or material, or use any method of heating or air conditioning other than that supplied by LESSOR.
9. LESSOR will direct electricians as to where and how telephone and telegraph wires are to be introduced. No boring or cutting for wires will be allowed without the written consent of LESSOR. The location of telephones, call boxes, and other office equipment affixed to the premises shall be subject to the written approval of LESSOR.
10. Each LESSEE, upon the termination of this Lease, shall deliver to the LESSOR the keys of the offices, rooms, and toilet rooms which shall have been furnished to LESSEE or which the LESSEE shall have had made, and in the event of loss of any keys so furnished, shall pay the LESSOR therefore.
11. LESSOR reserves the right to exclude or expel from the building any person who, in the judgment of LESSOR is intoxicated or under the influence of liquor or drugs, or who shall in any manner do any act in violation of any of the Rules and Regulations of this building.
12. No vending machine or machines of any description shall be installed, maintained or operated upon the premises without the written consent of the LESSOR.
13. LESSEE shall not disturb, solicit, or canvass any occupant of the building and shall cooperate to prevent the same.
14. LESSEE'S use of the Common Areas shall be limited to access and parking purposes and under no circumstances shall LESSEE be permitted to store any goods or equipment, conduct any operations or construct or place any improvements, barriers, or obstructions in the Common Areas, or otherwise adversely affect the appearance thereof.
15. The moving of equipment, furniture, and freight into or out of the demised premises shall occur only on previous notice to LESSOR, and at such times as LESSOR shall designate. The person employed to move such equipment, furniture, or freight in and out of the building must be acceptable to LESSOR. No equipment, furniture, or freight of any description shall be received into the building except the hours designated by LESSOR.



LESSOR shall in all cases have and retain the power to prescribe the weight, proper position, and manner of support under all heavy furniture, equipment, and freight, and all damage done to the building by moving in or moving out any equipment, furniture, or freight, or during the time it is in or on the premises, shall be repaired at the expense of LESSEE, but by contractors or mechanics named by LESSOR.

16. No pets are to be kept by LESSEE in or on the premises except in the case of a "seeing eye" dog.
17. LESSOR reserves the right to make other and further nondiscriminatory Rules and Regulations that in his judgment may be necessary or desirable for the safety, care, and cleanliness of the premises and the building, for the preservation of good order therein.
18. Where the provisions of the Rules and Regulations conflict with the main body of the Lease, the terms of the Lease shall control.

LESSOR'S Initials

AK

LESSEE'S Initials

CR

**EXHIBIT C**  
**FIRST YEAR RENT PAYMENTS/SPECIAL CONDITIONS**

**First Year Rent Payments**

For the first six months of this Lease (July-December) the rent will be discounted by \$1000.00 per month to offset the plumbing cost associated with the new water line. The rent from July to December 2010 will be \$2500.00 monthly. The rent from January to June 2011 will be \$3500.00 monthly. The gross annual rent for the first year is established at \$42,000.00 annual /\$3500.00 monthly for calculating the 4% increase for year two of the Lease.

**Special Conditions**

Lessee agrees to enter into a maintenance agreement with a qualified company to have the interior and exterior grease traps cleaned on a scheduled basis. Lessee will provide copies of the grease trap maintenance contract to the Lessor. Lessee further agrees to enter into a maintenance agreement with a qualified company to have the roof exhaust vents and surrounding roof area cleaned on a scheduled basis.

Lessee agrees to take the Premises in "as is" condition and will pay for all costs associated with improvements or maintenance of the Premises.

David W. Popoff, Jr. 5/3/10

Charles Rogers 5/3/10

# LOAN REQUEST SUMMARY

**Borrower:** Delpero Enterprises Inc.  
130 Middlesex Road  
Tyngsboro, MA 01879

**Lender:** Enterprise Bank and Trust Company  
Enterprise Bank and Trust Company - Lowell Branch  
222 Merrimack Street  
Lowell, MA 01852

## INSTALLMENT LOAN (Fixed Rate)

	<u>Financed</u>	<u>In Cash</u>
<b>AMOUNT REQUESTED:</b>	\$25,000.00	
<b>PREPAID FINANCE CHARGES:</b>	0.00	
<b>SECURITY INTEREST CHARGES:</b>	0.00	
<b>NOTE AMOUNT:</b>	\$25,000.00	\$0.00

### PAYMENT CALCULATION:

Interest Method: 365/360  
Disbursement Date: 03-01-2010  
First Payment Date: 04-05-2010  
Due Date: 03-05-2015  
Payment Period: Monthly  
Total Number of Pmts: 60  
Interest Rate: 7.550%  
Credit Insurance: None  
Amount of Reg Pmt: \$503.38

**Payment Schedule.** Borrower's payment schedule consists of the following: 60 monthly consecutive payments of \$503.38 each, beginning April 5, 2010, with interest calculated on the unpaid principal balances at an interest rate of 7.550% per annum based on a year of 360 days. Borrower's final payment will be due on March 5, 2015 and will be for all principal and accrued interest not yet paid, together with any other unpaid amounts under the Note.

<b>APR</b> 7.668%	<b>FINANCE CHARGE</b> \$5,202.80	<b>AMOUNT FINANCED</b> \$25,000.00	<b>TOTAL OF PAYMENTS</b> \$30,202.80
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**COLLATERAL:** UCC - Financing Statement Collateral.

**TRANSACTION NUMBER:** 10202

**NOTICE:** This Loan Request Summary is for informational purposes only and does not obligate Lender in any way to make this loan or any other loan to Borrower. The fees and charges listed above are estimates only; and, if a loan is made, different or additional fees and charges may be imposed.

# PROMISSORY NOTE

**Borrower:** Delpero Enterprises Inc.  
130 Middlesex Road  
Tyngsboro, MA 01879

**Lender:** Enterprise Bank and Trust Company  
Enterprise Bank and Trust Company - Lowell Branch  
222 Merrimack Street  
Lowell, MA 01852

**Principal Amount: \$25,000.00**

**Date of Note: March 1, 2010**

**PROMISE TO PAY.** Delpero Enterprises Inc. ("Borrower") promises to pay to Enterprise Bank and Trust Company ("Lender"), or order, in lawful money of the United States of America, the principal amount of Twenty-five Thousand & 00/100 Dollars (\$25,000.00), together with interest on the unpaid principal balance from March 1, 2010, calculated as described in the "INTEREST CALCULATION METHOD" paragraph using an interest rate of 7.550% per annum based on a year of 360 days, until paid in full. The interest rate may change under the terms and conditions of the "INTEREST AFTER DEFAULT" section.

**PAYMENT.** Borrower will pay this loan in full immediately upon Lender's demand. If no demand is made, Borrower will pay this loan in 60 payments of \$503.38 each payment. Borrower's first payment is due April 5, 2010, and all subsequent payments are due on the same day of each month after that. Borrower will continue to make payments on this loan until this Note is paid in full or until Lender makes demand for payment in full, whichever occurs first. Unless otherwise agreed or required by applicable law, payments will be applied first to any accrued unpaid interest; then to principal; then to any unpaid collection costs; and then to any late charges. Borrower will pay Lender at Lender's address shown above or at such other place as Lender may designate in writing.

**INTEREST CALCULATION METHOD.** Interest on this Note is computed on a 365/360 basis; that is, by applying the ratio of the interest rate over a year of 360 days, multiplied by the outstanding principal balance, multiplied by the actual number of days the principal balance is outstanding. All interest payable under this Note is computed using this method.

**PREPAYMENT.** Borrower may pay without penalty all or a portion of the amount owed earlier than it is due. Early payments will not, unless agreed to by Lender in writing, relieve Borrower of Borrower's obligation to continue to make payments under the payment schedule. Rather, early payments will reduce the principal balance due and may result in Borrower's making fewer payments. Borrower agrees not to send Lender payments marked "paid in full", "without recourse", or similar language. If Borrower sends such a payment, Lender may accept it without losing any of Lender's rights under this Note, and Borrower will remain obligated to pay any further amount owed to Lender. All written communications concerning disputed amounts, including any check or other payment instrument that indicates that the payment constitutes "payment in full" of the amount owed or that is tendered with other conditions or limitations or as full satisfaction of a disputed amount must be mailed or delivered to: Enterprise Bank and Trust Company, 222 Merrimack Street Lowell, MA 01852.

**LATE CHARGE.** If a payment is 15 days or more late, Borrower will be charged 5.000% of the unpaid portion of the regularly scheduled payment.

**INTEREST AFTER DEFAULT.** Upon default, including failure to pay upon final maturity, the interest rate on this Note shall be increased by 4.000 percentage points. However, in no event will the interest rate exceed the maximum interest rate limitations under applicable law.

**DEFAULT.** Each of the following shall constitute an event of default ("Event of Default") under this Note:

**Payment Default.** Borrower fails to make any payment when due under this Note.

**Other Defaults.** Borrower fails to comply with or to perform any other term, obligation, covenant or condition contained in this Note or in any of the related documents or to comply with or to perform any term, obligation, covenant or condition contained in any other agreement between Lender and Borrower.

**False Statements.** Any warranty, representation or statement made or furnished to Lender by Borrower or on Borrower's behalf under this Note or the related documents is false or misleading in any material respect, either now or at the time made or furnished or becomes false or misleading at any time thereafter.

**Insolvency.** The dissolution or termination of Borrower's existence as a going business, the insolvency of Borrower, the appointment of a receiver for any part of Borrower's property, any assignment for the benefit of creditors, any trust mortgage or any other type of creditor workout, or the commencement of any proceeding under any bankruptcy or insolvency laws by or against Borrower.

**Creditor or Forfeiture Proceedings.** Commencement of foreclosure or forfeiture proceedings, whether by judicial proceeding, self-help, repossession or any other method, by any creditor of Borrower or by any governmental agency against any collateral securing the loan. This includes a garnishment of any of Borrower's accounts, including deposit accounts, with Lender. However, this Event of Default shall not apply if there is a good faith dispute by Borrower as to the validity or reasonableness of the claim which is the basis of the creditor or forfeiture proceeding and if Borrower gives Lender written notice of the creditor or forfeiture proceeding and deposits with Lender monies or a surety bond for the creditor or forfeiture proceeding, in an amount determined by Lender, in its sole discretion, as being an adequate reserve or bond for the dispute.

**Events Affecting Guaranty.** Any of the preceding events occurs with respect to any Guarantor of any of the indebtedness or any Guarantor dies or becomes incompetent, or revokes or disputes the validity of, or liability under, any guaranty of the indebtedness evidenced by this Note.

**Change in Ownership.** Any change in ownership of twenty-five percent (25%) or more of the common stock of Borrower.

**Adverse Change.** A material adverse change occurs in Borrower's financial condition, or Lender believes the prospect of payment or performance of this Note is impaired.

**Insecurity.** Lender in good faith believes itself insecure.

**Cure Provisions.** If any default, other than a default in payment is curable and if Borrower has not been given a notice of a breach of the same provision of this Note within the preceding twelve (12) months, it may be cured if Borrower, after Lender sends written notice to Borrower demanding cure of such default: (1) cures the default within fifteen (15) days; or (2) if the cure requires more than fifteen (15) days, immediately initiates steps which Lender deems in Lender's sole discretion to be sufficient to cure the default and thereafter continues and completes all reasonable and necessary steps sufficient to produce compliance as soon as reasonably practical.

**LENDER'S RIGHTS.** Upon default, Lender may declare the entire unpaid principal balance under this Note and all accrued unpaid interest immediately due, and then Borrower will pay that amount.

**ATTORNEYS' FEES; EXPENSES.** Lender may hire or pay someone else to help collect this Note if Borrower does not pay. Borrower will pay Lender that amount. This includes, subject to any limits under applicable law, Lender's attorneys' fees and Lender's legal expenses, whether or not there is a lawsuit, including attorneys' fees, expenses for bankruptcy proceedings (including efforts to modify or vacate any automatic stay or injunction), and appeals. If not prohibited by applicable law, Borrower also will pay any court costs, in addition to all other sums provided by law.

**JURY WAIVER.** Lender and Borrower hereby waive the right to any jury trial in any action, proceeding, or counterclaim brought by either Lender or Borrower against the other. (Initial Here)

**GOVERNING LAW.** This Note will be governed by federal law applicable to Lender and, to the extent not preempted by federal law, the laws of the Commonwealth of Massachusetts without regard to its conflicts of law provisions. This Note has been accepted by Lender in the Commonwealth of Massachusetts.

**DISHONORED ITEM FEE.** Borrower will pay a fee to Lender of \$25.00 if Borrower makes a payment on Borrower's loan and the check or preauthorized charge with which Borrower pays is later dishonored.

**RIGHT OF SETOFF.** To the extent permitted by applicable law, Lender reserves a right of setoff in all Borrower's accounts with Lender (whether checking, savings, or some other account). This includes all accounts Borrower holds jointly with someone else and all accounts Borrower may open in the future. However, this does not include any IRA or Keogh accounts, or any trust accounts for which setoff would be prohibited by law. Borrower authorizes Lender, to the extent permitted by applicable law, to charge or setoff all sums owing on the indebtedness against any and all such accounts.

**COLLATERAL.** Borrower acknowledges this Note is secured by All assets of Delpero Enterprises Inc. dba: Caffè Il Ciproso.

**ANNUAL REVIEW.** This credit is subject to an annual review upon receipt of business and personal financial statements.

**FINANCIAL STATEMENTS.** The Lender shall require the Borrower to provide, on an annual basis, financial statements and/or tax returns including a balance sheet, income statement and cash flow statement. The Lender shall also require each of the Guarantors to furnish annually personal financial statements and personal tax returns, as well as financial statements and tax returns for each of the entities which the Borrower and/or Guarantors hold ownership.

**DEPOSIT RELATIONSHIP.** Borrower shall maintain its primary depository relationship with the Lender during the term of this obligation.

**NATURE OF GUARANTY.** Guarantor's liability under this Guaranty shall be open and continuous for so long as this Guaranty remains in force. Guarantor intends to guarantee at all times the performance and prompt payment when due, whether at maturity or earlier by reason of acceleration or in connection with any remaining portions of the indebtedness or any of the indebtedness which subsequently arises or is thereafter incurred or contracted.

**PROMISSORY NOTE  
(Continued)**

Loan No: 302339

Page 2

**SUCCESSOR INTERESTS.** The terms of this Note shall be binding upon Borrower, and upon Borrower's heirs, personal representatives, successors and assigns, and shall inure to the benefit of Lender and its successors and assigns.

**NOTIFY US OF INACCURATE INFORMATION WE REPORT TO CONSUMER REPORTING AGENCIES.** Please notify us if we report any inaccurate information about your account(s) to a consumer reporting agency. Your written notice describing the specific inaccuracy(ies) should be sent to us at the following address: Enterprise Bank and Trust Company, Enterprise Bank and Trust Company - Lowell Branch, 222 Merrimack Street, Lowell, MA 01852.

**WAIVERS AND GENERAL PROVISIONS.** This Note is payable on demand. The inclusion of specific default provisions or rights of Lender shall not preclude Lender's right to declare payment of this Note on its demand. If any part of this Note cannot be enforced, this fact will not affect the rest of the Note. Lender may delay or forgo enforcing any of its rights or remedies under this Note without losing them. Borrower and any other person who signs, guarantees or endorses this Note, to the extent allowed by law, waive presentment, demand for payment, and notice of dishonor. Upon any change in the terms of this Note, and unless otherwise expressly stated in writing, no party who signs this Note, whether as maker, guarantor, accommodation maker or endorser, shall be released from liability. To the extent permitted by applicable law, all such parties agree that Lender may renew or extend (repeatedly and for any length of time) this loan or release any party or guarantor or collateral; or impair, fail to realize upon or perfect Lender's security interest in the collateral; and take any other action deemed necessary by Lender without the consent of or notice to anyone. All such parties also agree that Lender may modify this loan without the consent of or notice to anyone other than the party with whom the modification is made. The obligations under this Note are joint and several.

**PRIOR TO SIGNING THIS NOTE, BORROWER READ AND UNDERSTOOD ALL THE PROVISIONS OF THIS NOTE. BORROWER AGREES TO THE TERMS OF THE NOTE.**

**BORROWER ACKNOWLEDGES RECEIPT OF A COMPLETED COPY OF THIS PROMISSORY NOTE.**

**THIS NOTE IS GIVEN UNDER SEAL AND IT IS INTENDED THAT THIS NOTE IS AND SHALL CONSTITUTE AND HAVE THE EFFECT OF A SEALED INSTRUMENT ACCORDING TO LAW.**

**BORROWER:**

**DELPERO ENTERPRISES INC.**

By: 

(Seal)

Charlene A. Rogers, Secretary of Delpero Enterprises Inc.

THIS DOCUMENT HAS AN ARTIFICIAL WATERMARK PRINTED ON THE BACK. THE FRONT OF THE DOCUMENT HAS A MICRO-PRINT SIGNATURE LINE. ABSENCE OF THESE FEATURES WILL INDICATE A COPY.

**Enterprise Bank**

222 Merrimack Street, Lowell, MA 01852

0113

*Copy*

5-708  
110

03/01/2010

PAY TO THE ORDER OF DELPERO ENTERPRISES INC

\$ 25,000.00

Twenty Five Thousand and 00/100\*\*\*\*\* DOLLARS

MEMBER FDIC

FOR

**NON-NEGOTIABLE  
CUSTOMER COPY**

AUTHORIZED SIGNATURE

PAYABLE THROUGH THE BANK OF NEW YORK MELLON, EVERETT, MA

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
CENTRAL DIVISION

In re  
Houston & Hughes, Inc.  
Debtor(s)

Chapter 7  
No. 10-41392-MSH

**TRUSTEE'S MOTION FOR ORDER AUTHORIZING AND APPROVING PRIVATE  
SALE OF ESTATE PROPERTY FREE AND CLEAR OF LIENS AND ENCUMBRANCES**

To the Honorable Melvin S. Hoffman, Bankruptcy Judge:

Now comes David M. Nickless, duly appointed Chapter 7 Trustee (the "Trustee") in the above matter, and respectfully represents that:

1. Houston & Hughes, Inc. f/d/b/a Tyng's Tavern & Grill (the "Debtor") filed a petition for relief under Chapter 7 of the Bankruptcy Code on March 24, 2010.
2. On the date of filing of the bankruptcy petition, the Debtor owned a retail liquor license in the Town of Tyngsboro (the "Liquor License").
3. The Debtor listed the value of the Liquor License as unknown.
4. The Town of Tyngsboro currently has three entities waiting to acquire a liquor license.
5. The Trustee has solicited offers from each of the entities in Tyngsboro who have expressed an interest in acquiring a Liquor License.
6. One of the entities, Delpero Enterprises, Inc., which runs Café il Ciproso in Tyngsboro, ("Delpero") made an offer to purchase the Liquor License from the bankruptcy estate for \$10,000.00 free and clear of liens and encumbrances.
7. The sale is conditioned only on final approval of Delpero's application through the Massachusetts Alcoholic Beverages Control Commission and the Town of Tyngsboro.

Moving Massachusetts Forward.

**massDOT**



**Highway**

**A. MICHAEL RUDERMAN**

Right of Way Bureau

District 4

519 Appleton Street  
Arlington MA 02476

[www.mass.gov/massdot/row](http://www.mass.gov/massdot/row)

Office (781)641-8333

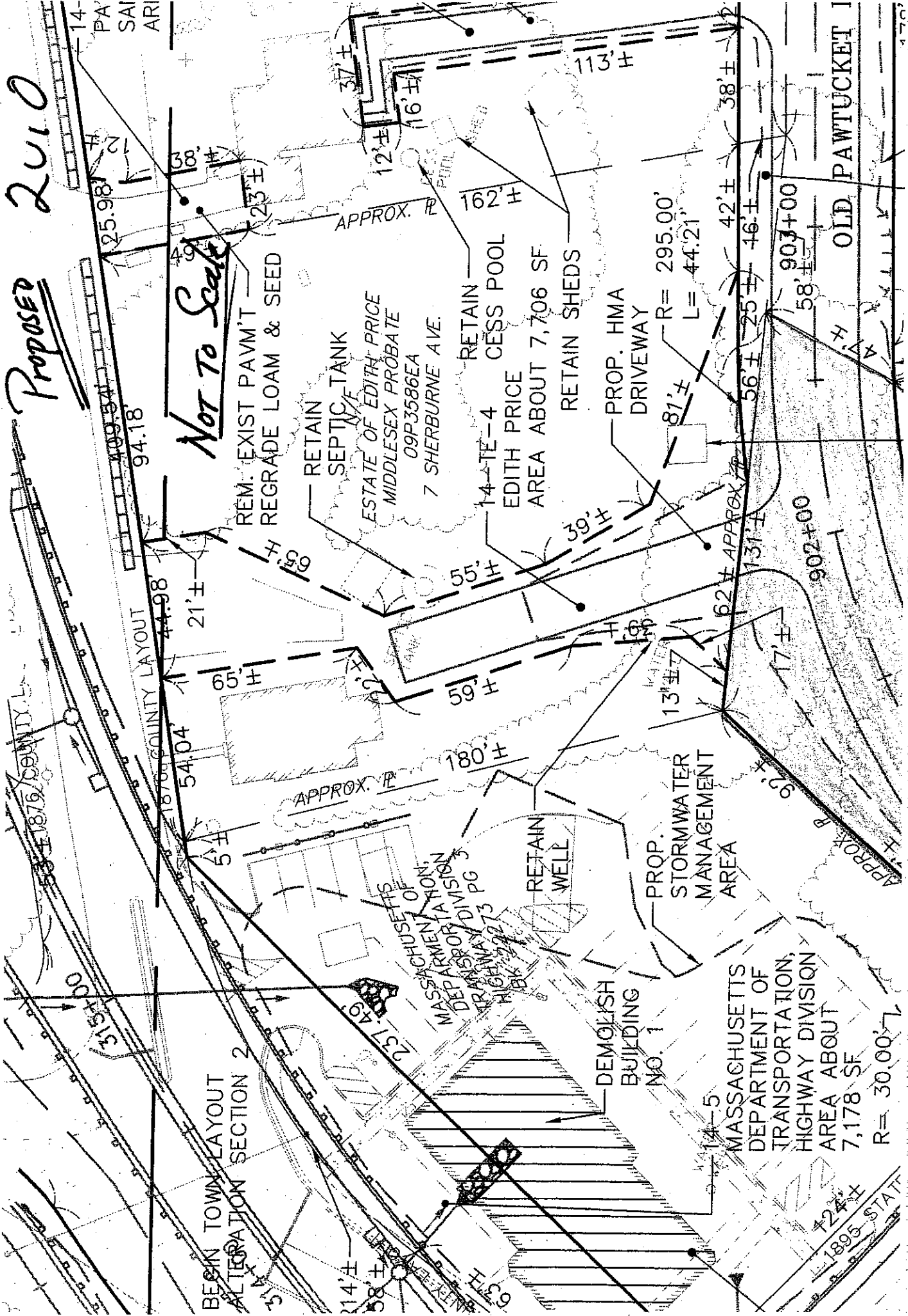
Fax (781)646-5115

[Michael.Ruderman@state.ma.us](mailto:Michael.Ruderman@state.ma.us)



*Proposed* 2010

*Not To Scale*



N/F  
CARPET CENTER  
NEW ENGLAND  
228 PG 092  
TUCKET BLVD.

MASSACHUSETTS  
DEPARTMENT OF  
TRANSPORTATION,  
HIGHWAY DIVISION  
AREA ABOUT  
324 SF

LIMIT OF WORK  
STA 404+00  
E 677,771.324  
N 3,070,964.523

N/F  
NATIONAL CARPET CENTER  
OF NEW ENGLAND INC.  
BK 3228 PG 092

N/F  
BLAKELY L. & HAZEL CLARKE  
BK 1797 PG 081

N/F  
LAUREL J. BROWN  
BK 2258 PG 76  
16 PAWTUCKET BLVD.

N/F  
TYNGBOATE, INCORPORATED  
BK 1789 PG 66  
12 PAWTUCKET BLVD.

N/F  
TOWN OF TYNGSBOROUGH  
BK 4122 PG 291

14-8-T  
TOWN OF TYNGSBOROUGH  
AREA ABOUT 12,963 SF

14-10-T FENCE  
EDITH PRICE  
AREA ABOUT 99

L-R=245.00'  
L=189.55'

L=25.43'

R=1422.10'  
L=95.98'

404+00

405+00

406+00

(PUBLIC)

OLD PAWTUCKET BLVD

Not To Scale

504-00

505+00

APPROX. 159.4  
N/F  
DAVID J. & DEBORAH L.  
MACDONALD  
BK 2215 PG 451  
22 FROST ROAD

14-4-T  
DAVID J. & DEBORAH L.  
MACDONALD  
AREA ABOUT 3,344 SF-

14-S-1-T  
DAVID J. & DEBORAH L.  
MACDONALD  
AREA ABOUT 1,039 ~~SF~~

PROP. HAY BALES  
& SEDIMENTATION  
FENCE (TYP.)

14-DS-1-T  
TOWN OF TYNGBOROUGH  
AREA ABOUT 3,609 SF

14-3-J  
TOWN OF TYNGSBOROUGH  
AREA ABOUT 8,794 SF -

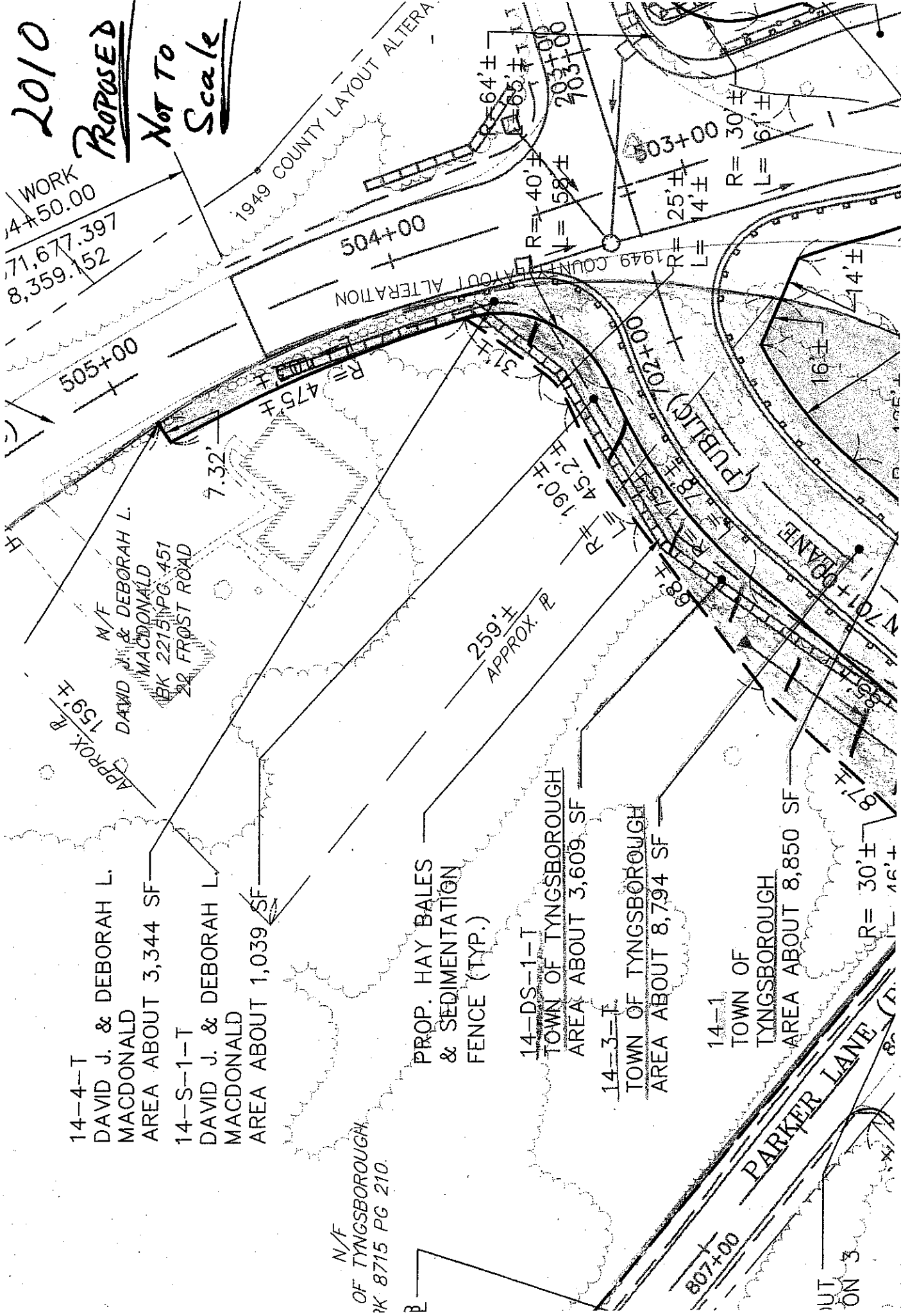
14-1  
TOWN OF  
TYNGBOROUGH  
AREA ABOUT 8 850 SE

TO TYPE AR

PARKER LANE

N/F  
OF TYNGSBOROUGH  
RK 8715 PG 210.

UN-3







William F. Mulligan  
Chief of Police

# Town of Tyngsborough

Police Department

20 Westford Road

Tyngsborough, Massachusetts 01879-0549

TYNGSBOROUGH, MA.



TEL: (978) 649 - 7504

FAX: (978) 649 - 2324

To: Michael P. Gilleberto, Board of Selectmen

From: Chief William F. Mulligan

Re: Police Over-Time Account

Date: August 4, 2010

On June 14, 2010 I sent you a memo indicating my concerns regarding the over-time account for fiscal year 2010-11.

We have just completed the first two pay periods for the fiscal year; the shift replacement account for the Police Department has been budgeted at \$95,000.00. Over these two pay periods, we have expended \$25,000.00 from the replacement account.

We expect to spend more money from this account during the summer months when vacation requests are at a high; however, at this rate, I am forecasting we will over-spend this account by January 2011.

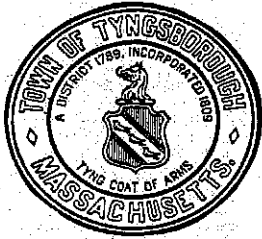
As I stated in the memo of June 14, 2010, I can no longer maintain the shift coverage as I have in the past without an increase in the replacement account.

This fiscal year, as in the past two fiscal years, I will be seeking a grant for the Communications Division. This grant will be for approximately \$26,000.00. I believe we will be approved for this grant, which can be used to pay the salaries of the Communication Specialists, providing the usual yearly savings in the Communications budget.

The Communications budget for the end of fiscal year 2009-10 had balance of \$45,039.40. I am forecasting a similar balance for this fiscal year, if we are approved for the Communications grant.

To maintain the minimum of three Officers (one Sergeant and two Patrolmen) per shift for this fiscal year, we will need an increase in the replacement account. Without an increase in this account, I will be forced to reduce shifts to below the minimum of these three Officers. This would reduce the over-time burden.

I am requesting assistance from the Board of Selectmen and the Financial Committee to consider a year-end transfer of funds from the Communications budget to the Police budget, if and when necessary to cover this potential over-time budget over-run. If that transfer is approved, I may be able to maintain the minimum staffing of three Officers per shift, barring any major incidents. Without this assistance, I will not be able to fill shift over-time, beginning in September 2010. By the same token, I cannot guarantee this transfer will cover the total potential budget over-run, but I will work diligently to cover this expense with the means I have and would be happy to discuss this further with you.



# TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

Board of Selectmen Meeting Minutes

**DRAFT**

Monday May 3, 2010

6:00 P.M.

Town Offices

Members Present: Selectman Rich Lemoine, Selectman Robert Jackson, Selectwoman Ashley O'Neill, Selectwoman Karyn Puleo, Selectwoman Elizabeth Coughlin.

Staff Members Present: Town Administrator Michael Gilleberto  
and Admin Assistant Therese Gay.

The Chair opened the meeting and voted to enter into Executive Session and to return to open session at the conclusion of the Executive Session.

The Board of Selectmen voted on a motion by Selectwoman O'Neill, second by Selectman Lemoine to enter into Executive Session to discuss contract negotiation, collective bargaining and at the conclusion of the Executive Session to return to open session. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectman Robert Jackson, yes; Selectman Rich Lemoine, yes; Selectwoman Puleo, yes; Selectwoman O'Neill, yes. The Board entered into Executive Session at 6:00 P.M.

1. 6:00 P.M. Executive Session
  - A. Contract Negotiations/Collective Bargaining
  - B. Litigation

The Board of Selectmen voted on a motion by Selectman Lemoine, second by Selectwoman O'Neill to exit Executive Session and to return to open session. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectman Robert Jackson, yes; Selectman Rich Lemoine, yes; Selectwoman Puleo, yes; Selectwoman O'Neill, yes. The Board returned to open session at 7:00 P.M.

The Board returned to open session at 7:00 PM and the Board was introduced and the Agenda was read. The Finance Committee joined the Board to review the remaining Annual and Special Town Meeting Warrant Articles. Members present were: John Griffin, Kenneth Times III, Jacqueline Schnackertz, Robert Mullin.

The Board took this opportunity to express their appreciation of Selectwoman Puleo's 10 years of service between the School Committee and as a Selectman. Thank you for your dedication and service to the community.

2. 6:30 P.M. Road Acceptance Hearings Cont'd - Annual Town Meeting Warrant - Article #23 Wilson Way, Article #27 Diaz Drive, Article #28 Rello Way.

The Board has continued this hearing and invited the Planning Board Chairman in to discuss. Chairman Nocco was present. Mr. Nocco would be able to provide the information the Board needs to complete the hearing process.

**Article #23 Wilson Way** - The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectwoman O'Neill to open the hearing. The Board voted unanimously on a motion by Selectwoman Puleo, second by Selectwoman O'Neill to waive the reading of the article. The Board voted unanimously on motion by Selectwoman O'Neill, second by Selectwoman Puleo to waive the reading of the list of residents. Discussion the Planning Board held a hearing and approved the acceptance of this road, no residents of Wilson Way were not present at the hearing, the board asked if anyone was present who wished to speak in favor or against the placing of this article on the warrant for approval. Mr. Scott Sasek, 2 Wilson Way and Mr. Scott Landsteiner, 10 Wilson Way came forward to voice their concerns about the acceptance of Wilson Way. There has been issues with the road side drainage and would like to have it fixed before the town takes on the responsibility of maintaining it. Planning Board Chair explained the easement is to be maintained by the homeowners, the package was complete and everything was working and completed. The developer is not longer responsible for the maintenance of the drainage. The bond placed by the developer is not released until the road is accepted.

The Board voted unanimously on a motion by Selectman Jackson, second by Selectwoman O'Neill to recommend the article #23 be placed on the Annual Town Meeting Warrant.

The Board voted unanimously on a motion by Selectwoman Puleo, second by Selectwoman O'Neill to close the hearing.

**Article #27 Diaz Drive, and Article #28 Rello Way** - The Board voted unanimously on a motion by Selectwoman Puleo, second by Selectwoman O'Neill to open the hearing. The Board voted unanimously on a motion by Selectwoman Puleo, second by Selectwoman O'Neill to waive the reading of the article. The Board voted unanimously on motion by Selectwoman O'Neill, second by Selectwoman Coughlin to waive the reading of the residents list. Discussion the Planning Board held a hearing and approved the acceptance of this road, the board asked if anyone was present who wished to speak in favor or against the placing of this article on the warrant for approval. No one came forward to speak for or against the acceptance. Mr. King of Diaz Drive was concerned on what would happen to the unfinished portion of Diaz Drive, the road is not finished. Another developer owns the parcels on the remaining portion of Diaz Drive and has not been before the Planning Board for any building lots. The Planning Board Chair was present to continue the discussions Diaz Drive and Rello Way have been completed per Planning Board standards. The undeveloped portion will remain closed until such time the developer finishes the project.

The Board votes unanimously on a motion by Selectwoman Puleo, second by Selectwoman O'Neill to close the hearing.

The Board voted unanimously on a motion by Selectwoman Puleo, second by Selectwoman O'Neill to recommend Article #27 and Article #28 to be placed on the Annual Town Meeting Warrant for acceptance.

3. 6:45 P.M.

A. Review Annual Town Meeting Warrant Articles - Selectmen & Finance Committee

Article 4 Elected Officials Stipend, Article 5 Town's Operating Budget for 2011, Article 15 Stabilization Funding, Article 20, 24 & 25, Street Acceptance, Article 26 & 27, Sewer Articles.

The Board voted unanimously on a motion by Selectman Lemoine, second by Selectwoman O'Neill to support the \$1.00 for the Chairman of the Board of Assessors.



After discussions on Article 4, on whether or not to recommend the \$1.00 stipend for all elected officials, with the Finance Committee member Schnackertz removing the Finance Committee Members from receiving the stipend stating that the Finance Committee Members never received the stipend and that it is illegal to accept compensation. The Board voted 3-2-0 split with Selectwoman Puleo and Selectman Jackson voting against the stipends and Selectwoman O'Neill and Selectwoman Coughlin and Selectman Lemoine voting in favor of the stipends. Discussions continued from the April 26 meeting. There were discussions on whether to give the \$1.00 stipend to all elected officials. If the \$1.00 is give to all they would eligible to receive health insurance through the town. It would be a costly endeavor not to mention the additional work to the payroll staff to enter \$1.00 for all elected officials. A document dated April 3, 1995 that states the town will not offer health insurance to elected officials was introduced for discussion. Selectman Lemoine motioned second by Selectwoman O'Neill to recognize the Board of Selectmen's motion and action of April 3, 1995 document. The Board did conclude and voted unanimously on a motion by Selectman Lemoine, second by Selectwoman Puleo to approve Article 4 as presented last week to issue \$1.00 to the Chairman of the Board of Assessors who has been receiving the stipend since 1995 and that all other elected officials will remain at 0. The Board voted unanimously on a motion by Selectman Lemoine, second by Selectwoman O'Neill to withdraw the last motion on recognizing the Selectmen's motion and action of April 3, 1995.

The Board voted 4-1-0 to recommend the new Article 4 which states that the Selectmen approve Article 4 as \$1.00 for the Chairman of the Assessors and the \$0 for the remaining elected officials excluding the Town Collector and the Town Clerk who receive a salary.

The Strategic Financial Planning Committee attended the meeting to inform the Board that they are moving forward toward a five year financial plan. They are looking at presenting a one time Capital Exclusion Question to fund at least \$800,000 of capital items. At this time there is a list of capital needs that are in excess of 7million dollars. The High School will be paid and there will be a one time gap in the tax bill. The Capital Asset Management Committee is to meet and discuss the one time use of the \$800,000 from the debt release to help paid for some one time capital items. The SFPC voted to support the one time capital exclusion question. The Board voted unanimously on a motion by Selectwoman Puleo, second by Selectman Jackson to request a Warrant Article for a Capital Exclusion to fund the Capital Asset requests up to \$800,000.

#### Article 5. Budget

The Board voted unanimously on a motion by Selectwoman O'Neill, second by Selectman Jackson to recommend Article 5 budgeted amount of \$29,835,211 for Fiscal Year 2011.

The Finance Committee voted 4-0-0 on a motion by Member Times, second by Member Schnackertz to recommend Article 5 budgeted amount of \$29,835,211 for Fiscal Year 2011.

#### Article 15. School Department Floor Scrubber

The Board voted unanimously on a motion by Selectwoman O'Neill, second by Selectman Lemoine to recommend Article 15 at Town Meeting.

Article 26. Sewer Article Betterment

The Board voted unanimously on a motion by Selectman Jackson, second by Selectwoman O'Neill to not recommend Article 26.

Special Town Meeting

Article 4. CPC Funds from Historic Preservation for the Purpose of obtaining architectural and engineering plans for the restoration of the Old Town Hall.

The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectwoman O'Neill to recommend article 4.

The Finance Committee voted 4-0-0 on a motion by Member Times, second by Member Schnackertz to recommend article 4.

Annual Town Meeting

Article 16 Raise funds to conduct a Code Assessment and Code Analysis on the Shurfine Barn improvement.

The Board voted unanimously on a motion by Selectman Jackson, second by Selectwoman O'Neill to recommend article 16.

B. Sign Annual Town Meeting Warrant and Special Town Meeting Warrant

The Board voted unanimously on a motion by Selectwoman O'Neill, second by Selectman Jackson to sign the Annual and Special Town Meeting Warrants.

C. Vote to Post Annual Town Meeting Warrant and Special Town Meeting Warrant.

The Board voted unanimously on a motion by Selectwoman O'Neill, second by Selectman Jackson to post the Annual and Special Town Meeting Warrants.

4. Citizen/Business Time

No one came forward this evening.

5. Other Business

A. Ambulance Contract

The Town Administrator and the Fire Chief have met with the Dracut Town Manager to review the ambulance bids will give an update and recommendation soon. The Board discussed having the three ambulance bidders to attend a Selectmen meeting for a presentation.

6. Correspondence

The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectwoman O'Neill to accept the correspondence as read for discussions. Information on Thirsty's activities and letter from Town Counsel recommending the Board hold a show cause hearing for liquor license infractions, there is a time line and it will be placed on an up coming agenda. The Town Ball presented by the Education Foundation Committee was announced. There will be English courses offered at Middlesex Community College.

7. Selectmen's Notes

The Board commended the Fire Department for the care taken during last weekends wind storm. The Town Election is next week and the Annual Town Meeting is scheduled for May 18<sup>th</sup>, everyone is urged to vote and to attend the town meeting.

8. Town Administrator's Notes

The departments reviewed the budget and have the following feedback, the Council on Aging Director is looking for support to bring back the hours, and the Conservation Agent is looking to use Wetland Fees to supplement the additional hours. A letter was sent to Thirsty's regarding the liquor license infractions.

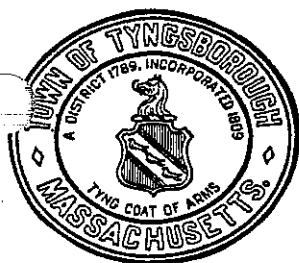
9. Adjournment

The Board voted on a motion by Selectwoman O'Neill, second by Selectman Jackson to adjourn the meeting. The meeting adjourned at 11:05 P.M.

Respectfully submitted,

Therese Gay, Admin Assist

Approved on: \_\_\_\_\_



## TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

Board of Selectmen Meeting

### AGENDA

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Monday May 3, 2010

6:00 P.M.

Town Offices

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1. 6:00 P.M. Executive Session (if needed)

- A. Contract Negotiations/Collective Bargaining
- B. Litigation

2. 6:30 P.M. Road Acceptance Hearings Cont'd – Annual Town Meeting Warrant -  
Article #23 Wilson Way, Article #27 Diaz Drive, Article #28 Rello Way.

3. 6:45 P.M.

- A. Review Annual Town Meeting Warrant Articles - Selectmen & Finance Committee

Article 4 Elected Officials Stipend, Article 5 Town's Operating Budget for 2011, Article 15 Stabilization Funding, Article 20, 24 & 25, Street Acceptance, Article 26 & 27, Sewer Articles

- B. Sign Annual Town Meeting Warrant and Special Town Meeting Warrant
- C. Vote to Post Annual Town Meeting Warrant and Special Town Meeting Warrant.

4. Citizen/Business Time

5. Other Business

- A. Ambulance Contract

6. Correspondence

7. Selectmen's Notes

8. Town Administrator's Notes

9. Work Session (if needed)

10. Adjournment

#### Future Meetings

\*\*Town Election Tuesday May 11, 2010 Polls Open at 7AM & Close at 8PM

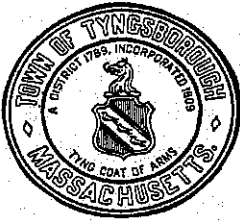
Precinct 1 – 135 Coburn Road; Precinct 2 – 180 Lakeview Avenue

Precinct 3 – 25 Bryant Lane; Precinct 4 – 205 Westford Road

\*\*\*Annual Town Meeting Tuesday May 18, 2010 at 7PM at the Tyngsborough Elementary School Cafetorium, 205 Westford Road.

Selectmen's Meeting Monday, May 17, 2010 at 6:00 P.M. at Town Hall Offices.

Selectmen's Meeting Monday, May 26, 2010 at 6:00 P.M. at Town Hall Offices.



# TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

Board of Selectmen Meeting Minutes

**DRAFT**

Wednesday May 12, 2010

6:00 P.M.

Town Offices

Members Present: Selectwoman Ashley O'Neill, Selectwoman Elizabeth Coughlin, Selectman Rick Reault, Selectman Rich Lemoine, Selectman Robert Jackson,.  
Staff Members Present: Town Administrator Michael Gilleberto  
and Admin Assistant Therese Gay.

The Chairman called the meeting to order, the Board was introduced and this evening's agenda was read.

The Town of Tyngsborough and the Town Of Dracut have jointly procured ambulance services with the Town of Dracut being the host community. An RFP was requested and three of the area ambulance servers have responded. The three companies have made their presentation to the Town of Dracut and this evening they are presenting to the Town of Tyngsborough.

1. 6:00 P.M. Trinity Ambulance Service - Presentation

The Chairman welcomed Mr. Sepe and Mr. Chamely of Trinity Ambulance and invited them to come forward and present their ambulance service proposal for Tyngsborough. Mr. Chamely presented to the Board their goals and the service they will provide Tyngsborough residents. The Board thanked Mr. Sepe and Mr. Chamely for their presentation.

2. 6:25 P.M. Pride Star Ambulance Service - Presentation.

The Chairman welcomed Mr. Daly and Mr. Libby of PrideStar Ambulance and invited them to come forward and present their ambulance service proposal for Tyngsborough. Mr. Daly presented to the Board their goals and the service they will provide Tyngsborough residents. The Board thanked Mr. Daly and Mr. Libby for their presentation.

3. 6:45 P.M. Patriot Ambulance Service - Presentation

The Chairman welcomed Mr. Walton, Mr. Ryan and Ms Marcotte of Patriot Ambulance and invited them to come forward and present their ambulance service proposal for Tyngsborough. Mr. Walton presented to the Board their goals and the service they will provide Tyngsborough residents. The Board thanked Mr. Ryan, Mr. Walton and Ms. Marcotte for their presentation.

The Board of Selectmen voted unanimously to authorize the Town Administrator to continue the review and the negotiations with the Town of Dracut.

4. 7:15 P.M. Board Of Health/New Health Agent

The Chairman welcomed Ms Devanney, Board of Health Member and Ms. Steeves, Board of Health Assistant and invited them to come forward and introduced themselves and the Board of Health Agent. The Board of Health has recently interviewed candidates for the Health Agent position that was established per the Board of Selectmen's agreement at the December 21, 2009 Selectmen's meeting. The Board of Health members completed their interviews and have selected Ms. Kerri C. Oun for the Health Agent's position. Ms. Oun has met the qualifications and has accepted the position. The Board welcomes Ms. Oun to Town. The Board of Selectmen voted unanimously on a motion by Selectwoman O'Neill, second by Selectwoman Coughlin to affirm their support of the Board of Health's appointment of Kerri Oun as the new Health Agent.

5. Citizen/Business Time

The Chairman asked if there were any residents who wished to speak this evening. Mr. Warren Allgrove, Chairman of the Historical Commission came forward. He is here to set a date when he will be able to present the Commissions vision of the Town Center. The Board did set Monday, May 24<sup>th</sup> at 7:00 P.M. Mr. Allgrove thanked the Board.

6. Other Business

A. Selectmen's Meeting Calendar

The Board reviewed the new meeting calendar and had no comments at this time.

B. Vote and Sign the Energy Reduction Policy

Selectwoman Coughlin presented the Energy Reduction Policy to the Board and the residents. She also presented the five criteria needed for the Town to become a designated green community. The Board reviewed the Policy and voted unanimously on a motion by Selectwoman Coughlin, second by Selectwoman O'Neill to approve and sign the Energy Reduction Policy as presented.

C. Capital Asset Management Plan

Members of the Capital Asset Management Committee were present to present the Board with the Plan and entertained questions and comments from the Board. Because of the needs of the community for capital improvements and capital equipment, and the fact that the debt for the construction of the High School is ended the Board is asking for a one time Capital exclusion to fund the following projects. The one time items include, a car for the Fire Department, the phase II to the Highway Department Wash Station and a new dump truck with plow and sander, the School technology, paving, and replacement of the bleachers at the middle school and the Pierce Field, for town wide technology, and a town wide road plan. After discussions,

The Board voted unanimously on a motion by Selectman Jackson, second by Selectwoman O'Neill to support the Capital Asset Management Plan and to bring the plan forward to the Annual Town Meeting to ask the citizens of Tyngsborough would vote on the town meeting floor to bring the capital exclusion question to ballot.

The Board voted unanimously on a motion by Selectman Jackson, second by Selectwoman Coughlin to accept the Capital Asset Management Plan as presented.

D. Liquor License Hearing Request from the Chief of Police

The Board received correspondence from the Chief of Police regarding liquor license violations at Thirsty's, 25 Parham Road.

The Board voted unanimously on a motion by Selectwoman O'Neill, Second by Selectwoman Coughlin, for discussions on the holding a hearing at the Chief's request for the liquor license violations at Thirsty's. The Board did discuss and reviewed the reports on the violations and voted unanimously on a motion by Selectwoman O'Neill, second by Selectman Jackson to schedule the hearing on Monday May 24, 2010 at 6:00 P.M. and to have the office notify Town Counsel, Mr. Dang and Ms. Dang, owners of Thirsty's, their Attorney, and the abutters of the date and time of the hearing.

#### 7. Correspondence

The Board took no action on the correspondence this evening.

##### Future Action Items

1. Common Victualler License Request – Tyngsboro House of Pizza
2. Corporate Officer Change Request – The Olive Garden Italian Restaurant
3. Change in Location Request/Cordials & Liqueurs Permit Request – Caffee Il Cipresso
4. Pole Petition Request – Verizon
5. Special Permit Request – Westford Road Project
6. Appointments – Animal Inspector and Conservation Commission

#### 8. Selectmen's Notes

Selectwoman Coughlin invites everyone to attend the Annual Town Meeting, congratulated Rich Reault on his election to the Board, and thanked the Energy and Environmental Affairs Committee and the Town Administrator for their help to make the town a green community, and congratulated the school on their various programs offered to the citizens. Selectwoman O'Neill welcomed Rick Reault to the Board and thanked the 300 voters for coming out and casting their votes. Ashley also noted the Hazard Mitigation by FEMA and commented on the School for addressing bullying through their policy. Selectman Reault congratulated Jim Tansey on becoming a coach. Selectman Jackson welcomes Rich to the Board and invites everyone to come to Town Meeting the articles as posted on the Web and anyone has questions to stop by the town hall and ask questions. Selectman Lemoine announced the Tyngsborough Police Department is the 38<sup>th</sup> department to become certified, the ceremony was well attended. The Board will host a small reception on the 7<sup>th</sup> at 6PM for the Police Department, kudos to Detective Rich Howe for spear heading the certification under the direction of the Police Chief. Welcome Rick Reault and a reminder that Annual Town Meeting is the 18<sup>th</sup> at 7PM at the Elementary School come one and all.

#### 9. Town Administrator's Notes

Michael reviewed his written report to the Board, is continuing discussions on the regional opportunities with NMCOG regarding Animal Control Office and the Building Department, the Highway Department is completing town wide sweeping, 500 tons of debris was collected. And the Highway Department will be doing line painting.

#### 10. Work Session

The Board of Selectmen voted on a motion by Selectwoman O'Neill, second by Selectman Reault to enter into a Work Session. The Board entered into a work session at 10:20 P.M.

Selectman Lemoine spoke about the elementary school project, the lawsuit and the repairs to the elementary school. The School Department has asked the Board to help in the repairs to the main entrance to the school. During the heavy rains the flooding of the street has damaged the road and sidewalks. There are some monies available from the school project. There was some discussion that some of the money, up to \$10,000, could be used for an engineering study and design for the repairs.

The Board of Selectmen voted unanimously on a motion by Selectman Jackson, second by Selectman Reault to move forward and file the hazard mitigation documents for federal funds with the recommendation to take the revenue for a second design with guidance, proposal and second engineering study and review the list.

The Board voted unanimously on a motion by Selectman Jackson, second by Selectwoman O'Neill to ask the school department for an updated list.

The Board discussed the reorganization of the Board after Town Meeting, after discussions the Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectwoman O'Neill to hold reorganization on Monday, May 24, 2010 at 6:00 P.M.

#### 11. Executive Session

##### Contract Negotiations

The Board of Selectmen voted on a motion by Selectwoman O'Neill, second by Selectman Reault to enter into Executive Session to discuss a personnel issue and at the conclusion of the Executive Session to enter into a Work Session and to adjourn. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectwoman Ashley O'Neill, yes; Selectman Robert Jackson, yes; Selectman Rick Reault, yes; Selectman Rich Lemoine, yes. The Board entered into Executive Session at 9:55 P.M.

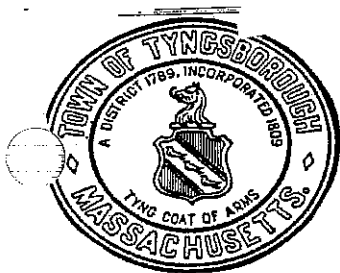
#### 12. Adjournment

The Board voted on a motion by Selectwoman O'Neill, second by Selectman Lemoine to adjourn the meeting. The meeting adjourned at 11:30 P.M.

Respectfully submitted,

Therese Gay  
Administrative Assistant





## TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2310

### Board of Selectmen Meeting AGENDA

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Wednesday May 12, 2010

6:00 P.M.

Town Offices

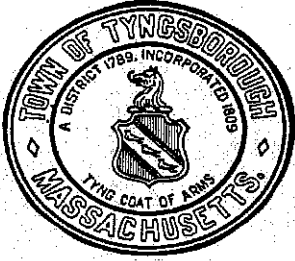
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1. 6:00 P.M. Trinity Ambulance Service - Presentation
2. 6:25 P.M. Pride Star Ambulance Service - Presentation.
3. 6:45 P.M. Patriot Ambulance Service - Presentation
4. 7:15 P.M. Board Of Health/New Health Agent
5. Citizen/Business Time
6. Other Business
  - A. Selectmen's Meeting Calendar
  - B. Vote and Sign the Energy Reduction Policy
7. Correspondence
  - Future Action Items
    1. Common Victualler License Request - Tyngsboro House of Pizza
    2. Corporate Officer Change Request - The Olive Garden Italian Restaurant
    3. Change in Location Request/Cordials & Liqueurs Permit Request - Caffee Il Ciproso
    4. Pole Petition Request - Verizon
    5. Special Permit Request - Westford Road Project
    6. Appointments - Animal Inspector and Conservation Commission
8. Selectmen's Notes
9. Town Administrator's Notes
10. Work Session (if needed)
11. Executive Session (if needed)
  - Contract Negotiations
12. Adjournment

#### Future Meetings

\*\*\*Annual Town Meeting Tuesday May 18, 2010 at 7PM at the Tyngsborough Elementary School Cafetorium, 205 Westford Road.

Selectmen's Meeting Monday, May 26, 2010 at 6:00 P.M. at Town Hall Offices.



## TOWN OF TYNGSBOROUGH

Office of the Selectmen  
25 Bryant Lane  
Tyngsborough, MA 01879  
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

### Board of Selectmen Meeting Minutes

**DRAFT**

Monday May 24, 2010

6:00 P.M.

Town Offices

Members Present: Selectwoman Ashley O'Neill, Selectwoman Elizabeth Coughlin, Selectman Rick Reault, Selectman Rich Lemoine, Selectman Robert Jackson,.

Staff Members Present: Town Admin Michael Gilleberto and Admin Assist Therese Gay.

The Board was introduced and the agenda was read, followed by nominations and votes of the new officers.

#### 1. 6:00 P.M. Board Re-Organization

Nomination for Chairman, Selectwoman Coughlin nominated Selectwoman Ashley O'Neill for Chairman, second by Selectman Reault, there were no other nominations, no discussion, the Board voted unanimously to appoint Selectwoman O'Neill as Chairman.

Nomination for Vice-Chairman, Selectwoman O'Neill nominated Selectwoman Elizabeth Coughlin for Vice-Chairman, second by Selectman Reault, there were no other nominations, no discussion, the Board voted unanimously to appoint Selectwoman Coughlin as Vice-Chairman.

Nomination for Clerk, Selectwoman O'Neill nominated Selectman Rick Reault for Clerk, second by Selectwoman Coughlin, there were no other nominations, no discussion, the Board voted unanimously to appoint Selectman Reault as Clerk.

#### Trinity Ambulance

Mr. Schemaly and Mr. Sepe were invited to attend this evening's meeting for a second interview. The Board is looking to break from the shared services with the Town of Dracut. The Trinity Ambulance Service would serve Tyngsborough with the same service the previous ambulance company offered; they could do anything we would want. They would use the same ELS out of Saints Memorial. They will honor the RFP they presented. The Chair asked if there were any questions or comments, no questions or comments came forward. The Board thanked Mr. Schemaly and Mr. Sepe for attending.

The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectman Jackson to recognize Trinity Ambulance Service as Tyngsborough's provider.

The Board voted unanimously on a motion by Selectman Lemoine, second by Selectman Jackson to contact the Town of Dracut to inform them if they wish to go with Trinity Ambulance, if not to let them know that Tyngsborough's decision is to stand alone and go forward with the Trinity Ambulance Service.

The Board voted unanimously on a motion by Selectman Reault, second by Selectman Lemoine to authorize Selectwoman Coughlin, and Selectman Lemoine with the Town Administrator to finalize the contract.

## 2. 6:15 P.M. Executive Session

The Board of Selectmen voted on a motion by Selectman Lemoine, second by Selectman Jackson to enter into Executive Session to discuss a personnel issue and at the conclusion of the Executive Session to return to open session only to adjourn. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectwoman Ashley O'Neill, yes; Selectman Robert Jackson, yes; Selectman Rick Reault, yes; Selectman Rich Lemoine, yes. The Board entered into Executive Session at 7:30 P.M.

### Collective Bargaining Contract Negotiations

The Board of Selectmen voted on a motion by Selectman Reault, second by Selectman Jackson to exit Executive Session and to return to open session to continue open meeting. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectman Robert Jackson, yes; Selectman Rich Lemoine, yes; Selectman Reault, yes; Selectwoman O'Neill, yes. The Board returned to open session at 8:30 P.M.

## 3. 7:00 P.M. Licensing

### Common Victualler License Request – Tyngsboro House of Pizza

Mr. Lafferty has submitted a request for a common victualler license to operate Tyngsboro House of Pizza at 92 Middlesex Road. The pizzeria will be open Sunday through Saturday from 11AM to 10PM.

The Board voted on a motion by Selectman Reault, second by Selectman Jackson to grant the common victualler license to Tyngsboro House of Pizza, at 92 Middlesex Road. Mr. Thomas Lafferty, owner/manager, and the hours of operation to be Sunday through Saturday from 11AM to 10PM.

### Corporate Officer Change Request – The Olive Garden Italian Restaurant

The Corporate Office, GMRI, Inc., d/b/a The Olive Garden Italian Restaurant at 442 Middlesex Road, has submitted a request for a corporate officer change. The paperwork has already been forwarded to the ABCC for action. The Board is to hold a hearing and vote on the request and to submit a Form 43 listing their approval to the ABCC. The Board holds the hearing this evening and after dialogue between the Board and Jade, the sales manager for the restaurant has voted on the request as follows.

The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectman Jackson to grant the change of the corporate officer.

## 4. 7:15 P.M. Review Minutes

The Board reviewed the minutes and voted 4-1-0 on a motion by Selectman Jackson, second by Selectman Reault to approve the minutes of Monday, March 8, 2010 and Monday, March 15, 2010.

## 5. 7:30 P.M. Review Yearly Appointments

The Board voted unanimously on a motion by Selectman Jackson, second by Selectman Reault to appoint all employees; the Fire Department Firefighters, Board of Fire Engineers, the Police Department personnel, the Dunstable, Groton officers as Reserves, the Insurance Advisory Board, the Parking Clerk, the Field Use Committee, Emergency Preparedness Committee, the Trust Fund and the Veterans' Agent.

The Board has placed the open appointment positions on the web page and on the local channel to inform the Tyngsborough residents of any opening and that if they wish to serve to submit a letter of interest to the office by June 21, 2010.

## 6. Citizen/Business Time

Mr. Gus Skamarycz of 257 Dunstable Road is asking the Board to consider placing a stop sign at the corner of Wood Street and Tyng Road. The posted speed is 25 MPH and Mission

Road is posted 30 MPH for the public safety it would help to place a sign. He also mentioned that there were no Annual Town Reports available for the public to review before town meeting. Because of the change in the office and with the increase amount of work in the office the reports were late in printing and some copies were made available on town meeting night. The cover of the town report was the same print used for the Finance Committee Report and could easily been mistaken.

#### 7. Other Business

There was no other business on the agenda this evening.

#### 8. Correspondence

The Board voted unanimously on a motion by Selectman Reault, second by Selectman Jackson to accept the correspondence as read.

#### 9. Selectmen's Notes

Selectwoman Coughlin updated the board and citizens on the progress of the green community application and the writing of the first grant round. The four criteria has been met. A commendation was give to George Trearchis and Diana Koehane for their efforts in working to make the school energy efficient.

Selectman Reault is asking the town to support the Memorial Day parade, and he has spoken to Chief Mulligan on introducing a K-9 unit and looking at private funding to run the program. Selectman Jackson would like to recognize the Middles School grades 5 through 8 on their performance in the school band, and remind the residents of the upcoming Memorial Day parade.

Selectwoman O'Neill informs the public that the school is currently reviewing the old policy and any new policies regarding bullying in the schools.

#### 10. Town Administrator's Notes

##### Response to Selectmen's Request

Thirsty's – the Police Chief and I are working with Town Counsel on liquor associated concerns. A hearing has been proposed for June 14, 2010.

Elementary School Road Repair – I have notified the School Department of the Selectmen's approval of these repairs.

##### Budget Status

The FY2011 Budget was unanimously approved at the May 18<sup>th</sup> Annual Town Meeting. On May 19<sup>th</sup> the Senate Ways and Means Committee released its FY 2011 proposed state budget. The proposal funds Local and Education aid for the Town at the same level as the approved House Budget. The Senate will debate the budget the week of may 24<sup>th</sup>.

##### Departmental Information

Various Police Department commendations are included in your regular correspondence. Chief Mulligan has submitted a report relative to the costs associated with establishing a K-9 unit in the Police Department.

The Town's Auditors are performing their annual audit and I have provided them with necessary requests to counsel regarding litigation.

The Highway Department has evaluated the condition of the drainage pipes underneath Westford Road to the west of the Elementary School driveway. The pipes have been deteriorating for some time and are in need of replacement to avoid the potential for collapse. The Highway Administrator is preparing a project plan to replace the culvert. A final proposal will be brought for the approval of the Selectmen in early June.

The Highway Department has identified accepted roads that are in need of repair. The Highway Administrator has submitted a report on these locations.

Road is posted 30 MPH for the public safety it would help to place a sign. He also mentioned that there were no Annual Town Reports available for the public to review before town meeting. Because of the change in the office and with the increase amount of work in the office the reports were late in printing and some copies were made available on town meeting night. The cover of the town report was the same print used for the Finance Committee Report and could easily been mistaken.

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The Highway Department has identified accepted roads that are in need of repair. The Highway Administrator has submitted a report on these locations.

The two aforementioned projects are the most urgent in need; we continue to evaluate road condition and will be planning and scheduling for the repair of accepted roads. The report identified Long Pond Road as a chapter 90 funded repair. The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectman Reault to support the repair of Long Pond Road.

Contracting/procurement

The Highway Department will publish its annual supplies and services bid solicitation for FY 2011 this week.

The field maintenance mowing contract has been awarded to Greenscape.

Joint Ambulance Service RFP (w/Dracut): responses are still under review.

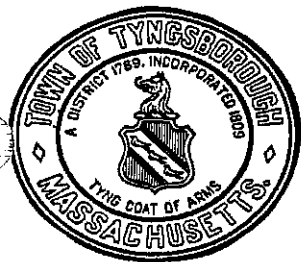
11. Adjournment

The Board voted on a motion by Selectman Reault, second by Selectman Jackson to adjourn the meeting. The meeting adjourned at 8:30 P.M.

Respectfully submitted,

Therese Gay  
Administrative Assistant

Approved on \_\_\_\_\_



## TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

Board of Selectmen Meeting

### AGENDA

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Monday May 24, 2010

6:00 P.M.

Town Offices

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1. 6:00 P.M. Board Re-Organization
2. 6:15 P.M. Executive Session (if needed)  
Collective Bargaining  
Contract Negotiations
3. 7:00 P.M. Licensing  
Common Victualler License Request – Tyngsboro House of Pizza  
Corporate Officer Change Request – The Olive Garden Italian Restaurant
4. 7:15 P.M. Review Minutes
5. 7:30 P.M. Review Yearly Appointments
6. Citizen/Business Time
7. Other Business
8. Correspondence
9. Selectmen's Notes
10. Town Administrator's Notes
11. Work Session (if needed)
12. Adjournment

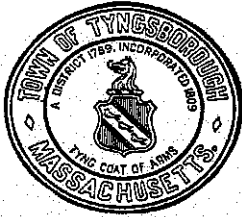
#### Future Meetings

Selectmen's Meeting Monday, June 7, 2010 at 6:00 P.M. at Town Hall Offices.

Selectmen's Meeting Monday, June 14, 2010 at 6:00 P.M. at Town Hall Offices.

Selectmen's Work Session Monday, June 21, 2010 at 6:00 P.M. at Town Hall Offices

Selectmen's Meeting Monday, June 28, 2010 at 6:00 P.M. at Town Hall Offices.



## TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

Board of Selectmen Executive Session Minutes

**DRAFT**

Monday May 3, 2010

6:00 P.M.

Town Offices

Members Present: Selectman Rich Lemoine, Selectman Robert Jackson, Selectwoman Ashley O'Neill, Selectwoman Karyn Puleo, Selectwoman Elizabeth Coughlin.

Staff Members Present: Town Administrator Michael Gilleberto  
and Admin Assistant Therese Gay.

The Board of Selectmen voted on a motion by Selectwoman O'Neill, second by Selectman Lemoine to enter into Executive Session to discuss contract negotiation, collective bargaining and at the conclusion of the Executive Session to return to open session. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectman Robert Jackson, yes; Selectman Rich Lemoine, yes; Selectwoman Puleo, yes; Selectwoman O'Neill, yes. The Board entered into Executive Session at 6:00 P.M.

### 1. 6:00 P.M. Executive Session

#### A. Contract Negotiations/Collective Bargaining

The Board voted on the Police Chief's contract. The Chief have no problems with the contract as written and has signed the document. Town Counsel reviewed and is comfortable with it. All the corrections were made.

The Board voted 4-1-0 on a motion by Selectwoman Puleo, second by Selectman Jackson to accept and sign the Police Chief's contract as presented. Roll Call Vote: Selectwoman Elizabeth Coughlin, no; Selectman Robert Jackson, yes; Selectman Rich Lemoine, yes; Selectwoman Puleo, yes; Selectwoman O'Neill, yes. Selectwoman O'Neill commented that she supports the Chief, however, during these difficult financial times, I am not in favor of the language and terms of the contract.

The Board discussed the Quinn Bill and if it would be or would not be paid in June. The Union would like written notification.

The Board discussed the removal of the sergeants from the patrolman's union. The board would keep it current and to have the Sergeants come in and talk to Selectmen.

The Board voted unanimously on a motion by Selectman Lemoine, second by Selectwoman Puleo to go forward with a legal request and still meet with the Sergeants to talk.

The Board of Selectmen voted on a motion by Selectman Lemoine, second by Selectwoman O'Neill to exit Executive Session and to return to open session. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectman Robert Jackson, yes; Selectman Rich Lemoine, yes; Selectwoman Puleo, yes; Selectwoman O'Neill, yes. The Board returned to open session at 7:00 P.M.

Respectively submitted,  
Therese Gay, Admin Assist

Approved on: \_\_\_\_\_





# TOWN OF TYNGSBOROUGH

Office of the Selectmen  
25 Bryant Lane  
Tyngsborough, MA 01879  
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

## Board of Selectmen Executive Session Minutes DRAFT

Wednesday May 12, 2010

6:00 P.M.

Town Offices

Members Present: Selectman Rich Lemoine, Selectman Robert Jackson, Selectwoman Ashley O'Neill, Selectman Rick Reault, Selectwoman Elizabeth Coughlin.

Staff Members Present: Town Administrator Michael Gilleberto  
and Admin Assistant Therese Gay.

### Executive Session

#### Contract Negotiations

The Board of Selectmen voted on a motion by Selectwoman O'Neill, second by Selectwoman Coughlin to enter into Executive Session to discuss a personnel issue and at the conclusion of the Executive Session to enter open session only to adjourn. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectwoman Ashley O'Neill, yes; Selectman Robert Jackson, yes; Selectman Rick Reault, yes; Selectman Rich Lemoine, yes. The Board entered into Executive Session at 9:55 P.M.

The Board discussed a personnel issue that was presented to them. An employee retired and is now applying for unemployment. The Board voted 5-0-0 to not support Ron Goulet's request for unemployment benefit. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectwoman Ashley O'Neill, yes; Selectman Robert Jackson, yes; Selectman Rick Reault, yes; Selectman Rich Lemoine, yes.

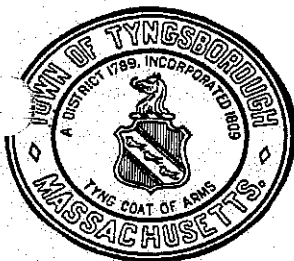
The Board voted 5-0-0 on a motion by Selectwoman O'Neill, second by Selectwoman Coughlin to meet with the Union Members and the Town Administrator. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectwoman Ashley O'Neill, yes; Selectman Robert Jackson, yes; Selectman Rick Reault, yes; Selectman Rich Lemoine, yes.

The Board was briefed on the contract negotiations with the School Teachers. They want 3 year contract with 1% increase they were told no. They asked for a 1 year contract with 1% increase and were again told no. They asked for their raise and delay for half a year with 2% again told no. Local 93 the paraprofessionals have not met they are waiting to see what the teachers do. The Secretaries are de-ratifying and are going with bi-weekly payroll. The Board will send a letter to the School Committee informing them that the Selectman's representative is a voting member.

At the conclusion the Board voted on a motion by Selectman Jackson, second by Selectwoman O'Neill to exit Executive Session and to return to open session only to adjourn. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectwoman Ashley O'Neill, yes; Selectman Robert Jackson, yes; Selectman Rick Reault, yes; Selectman Rich Lemoine, yes. The Board exited Executive Session at 10:20 P.M.

Respectively submitted by Therese Gay, Admin Assist.

Approved on: \_\_\_\_\_



## TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

Board of Selectmen Executive Session Minutes

DRAFT

Monday May 24, 2010

6:00 P.M.

Town Offices

Members Present: Selectman Rich Lemoine, Selectman Robert Jackson, Selectwoman Ashley O'Neill, Selectwoman Karyn Puleo, Selectwoman Elizabeth Coughlin, Selectman Reault.

Staff Members Present: Town Administrator Michael Gilleberto and Admin Assistant Therese Gay.

### Executive Session

#### Contract Negotiations

The Board of Selectmen voted on a motion by Selectman Lemoine, second by Selectman Jackson to enter into Executive Session to discuss Collective Bargaining and to exit Executive Session and return to open session only to adjourn. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectwoman Ashley O'Neill, yes; Selectman Robert Jackson, yes; Selectman Rick Reault, yes; Selectman Rich Lemoine, yes. The Board entered into Executive Session at 7:30 P.M.

The Board discussed the splitting of Sergeant from the Patrolman's Union. The board is to initiate conversation with the union members re contract 1 year level funded also spoke on the Quinn Bill payment to the Police. The Board voted unanimously on a motion by Selectman Jackson, second by Selectman Lemoine to carry out interaction with the union. The Board also spoke briefly about the 2011 budget restoring the hours for the Sewer Department with a slight increase in Administrator's line item. At the conclusion of discussions the Board voted on a motion by Selectman Reault, second by Selectman Jackson to exit Executive Session and to return to open session to adjourn. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectwoman Ashley O'Neill, yes; Selectman Robert Jackson, yes; Selectman Rick Reault, yes; Selectman Rich Lemoine, yes. The Board exited Executive Session at 8:30 P.M.

Respectively submitted,

Therese Gay  
Admin Assist.

Approved on: \_\_\_\_\_

**HISTORICAL COMMISSION  
TOWN CENTER**

**LOWELL GENERAL HOSPITAL**

*Cordially invites you to attend its  
Fall Business Leadership Forum*

**Boston MedFlight  
25 Years of Collaboration**

with Guest Speaker

**Dr. Suzanne Wedel, M.D.**

*Chief Executive Officer and Medical Director  
Boston MedFlight*

**Thursday, September 16, 2010**

**7:30 am – Registration and Breakfast**

**8:00 am - 9:00 am – Program**

**Clark Auditorium**

**Lowell General Hospital**

Seating is limited.

Please respond by September 10th

Kathy Sullivan (978)788-7174

[kathy.sullivan@lowellgeneral.org](mailto:kathy.sullivan@lowellgeneral.org)

LOWELL GENERAL HOSPITAL  
777 AUG 16 PM 3:50  
777 AUG 16 PM 3:50



Dr. Wedel has served as the Medical Director and Chief Executive Officer of Boston MedFlight since 1989, a non-profit critical care transport service supported by a consortium of institutions. She is board certified in both Critical Care Medicine and Internal Medicine. During her tenure, Boston MedFlight has become a nationally recognized leader in Critical Care Transport Research and Quality Benchmarking throughout the transport industry.

Dr. Wedel is a member of numerous regional, state and national emergency service and transport organizations. She has served on several Boards and currently serves as secretary for the Association of Critical Care Transport. She has also contributed extensively to the peer reviewed literature on multiple Critical Care Transport topics.

She is a faculty member in the Department of Surgery at Boston University School of Medicine.



nationalgrid

2010 AUG 23 PM 1:30  
COMMUNITY RELATIONS  
TYNDSBOROUGH, MA.  
August 2010

Dear Public Official,

National Grid is dedicated to the safe and reliable delivery of natural gas to our customers in New England. As part of our annual public awareness efforts, we have enclosed a brochure that provides an overview of our extensive damage prevention program and a guide for recognizing and responding to pipeline emergencies. As you know, we work very closely with local emergency response officials on training, drills, and exercises to prepare for such emergencies.

Please take a moment to review the enclosed material. As a public official, you need to be aware of these issues. But to be truly effective we must reach a wider audience. We would greatly appreciate your assistance in sharing this information with other key personnel within your organization.

National Grid owns and operates over 12,260 miles of underground natural gas pipelines in Massachusetts and New Hampshire. Our 36,260 miles of pipelines in New York State and New England make us the largest distributor of natural gas in the Northeast. Federal and State agencies extensively regulate the design, construction, operation, and maintenance of these pipelines. Our natural gas delivery infrastructure includes high-pressure transmission pipelines used to transport large quantities of natural gas. Detailed information about these pipelines has been made available to the appropriate emergency agencies in your area. Due to security concerns, we do not widely publicize this information. It is important for the public to be aware of how vital these pipelines are in our energy infrastructure, the potential hazards they pose, how to avoid accidents, and what to do should an accident occur.

Pipeline failures are rare. According to the National Transportation Safety Board, natural gas pipelines provide the highest level of public safety as compared to any other mode of transportation. When failures do occur, the leading cause is third-party damage during excavation projects. Although accident prevention is a critical task for National Grid, the public also has a significant role in the prevention of third-party damage, whether it is through the use of Dig Safe®, as explained in the brochure, or by reporting suspicious activity near pipelines.

If you have any comments or questions about our pipeline management and emergency preparedness programs, please contact Carmen Fields, Director, Community Relations and Economic Development, at (781) 907-2212. Thank you for your attention to this matter.

Sincerely,

Nickolas Stavropoulos  
Executive Vice President, US Gas Distribution  
Enclosure

TO : Tyngsborough Board of Selectmen, Members of the Community Preservation Committee

FROM: Eric B. Lantz

SUBJECT: Letter of Resignation

DATE: 20 August 2010

2010 AUG 25 PM 1:05

BOARD OF SELECTMEN  
TYNGSBOROUGH, MA.

Dear Town officials:

It is with a heavy heart and that I must submit my letter of resignation from the Community Preservation Committee due to increased employment responsibility.

I have served as Secretary of the Community Preservation Committee for the past seven years following adoption of the Community Preservation Act by the citizens of Tyngsborough. The investments of the committee have been significant in the community and I am proud to have been a contributor. Agricultural investment in the Hunter property, open space preservation on Long Pond, Massapoag Pond and the Merrimack River parks, recreational and athletic field creation at the high school and new elementary school, and most recently improvement and historical preservation of our town center will have a *permanent* impact on the quality of life in Tyngsborough and for all citizens in the Commonwealth of Massachusetts. I feel that I have been truly privileged to work with highly professional and genuinely concerned members of our committee; Town Hall employees, representatives, and Selectmen; and State House elected officials and committee members.

Adoption of the Community Preservation Act was probably the best thing that has happened to our town in decades. An educated citizenry is the key to keeping this excellent program healthy and ongoing. *They do appreciate your efforts.* I encourage each and every one of you to continue your outstanding contributions and support our town through this act.

Thank you and keep up the good work!



Eric B. Lantz

RECEIVED

2010 AUG 20 AM 11:56

TOWN CLERK  
TYNGSBOROUGH, MA

2010 AUG 20 AM 11:56

BOARD OF SELECTMEN  
TYNGSBOROUGH, MA.

August 20, 2010

Board of Selectmen  
Town Hall  
25 Bryants Ln.  
Tyngsboro, MA 01879

Dear Members of the Board:

Due to family commitments and busy schedule I am resigning from the Tyngsboro Community Housing Partnership, effective today.

Sincerely,

  
Kevin V. O'Connor



2013 AUG -6 PM 2:0

WARRANT RECEIVED  
TYNGSBORO, MA.

July 26, 2010

Tyngsboro Selectmen

Our intention is to open a small farm stand as shown in the photos. We would like to place our stand at 138 Middlesex Road. Depending upon our success, we may be interested in purchasing the property and opening year-round.

Our farm stand will offer fresh local produce, baked goods, breads, cookies, etc. We hope to promote items from local people when available, Massachusetts, New Hampshire, Vermont. We will try to hire local people, both adults and young people both full and part time.

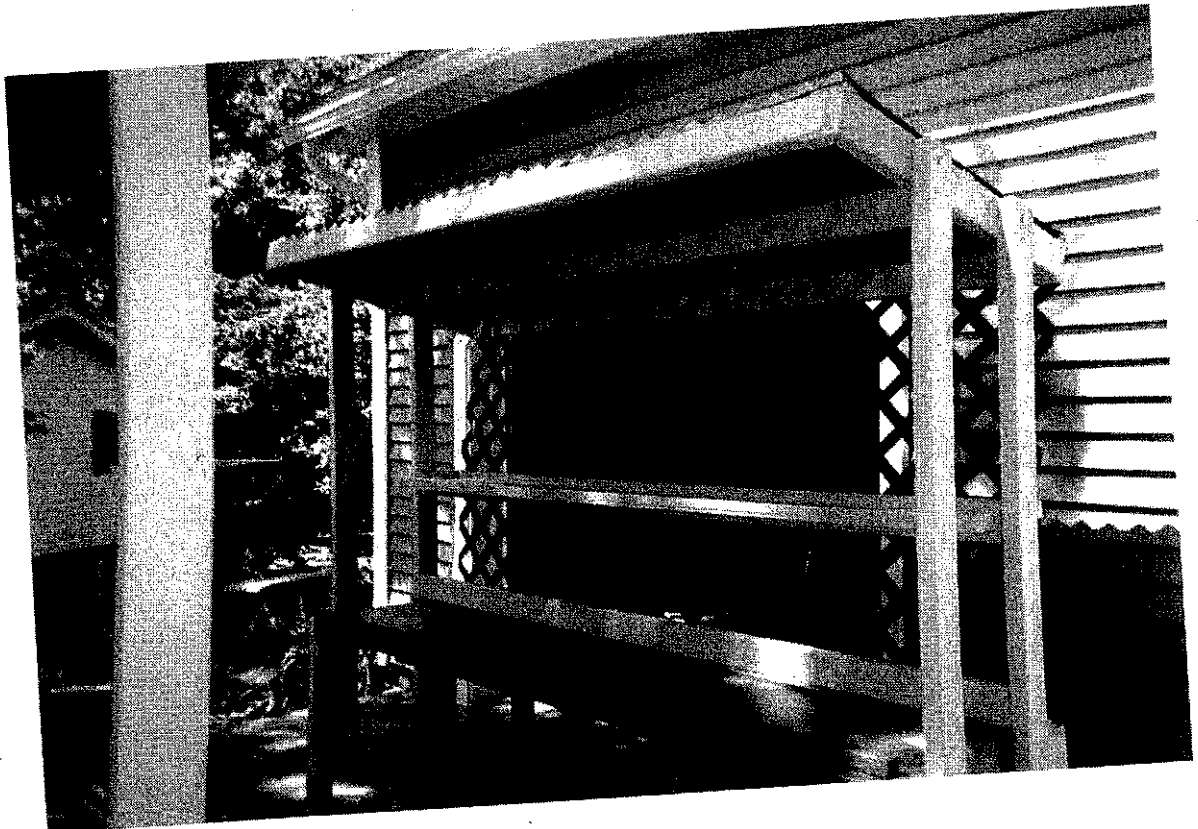
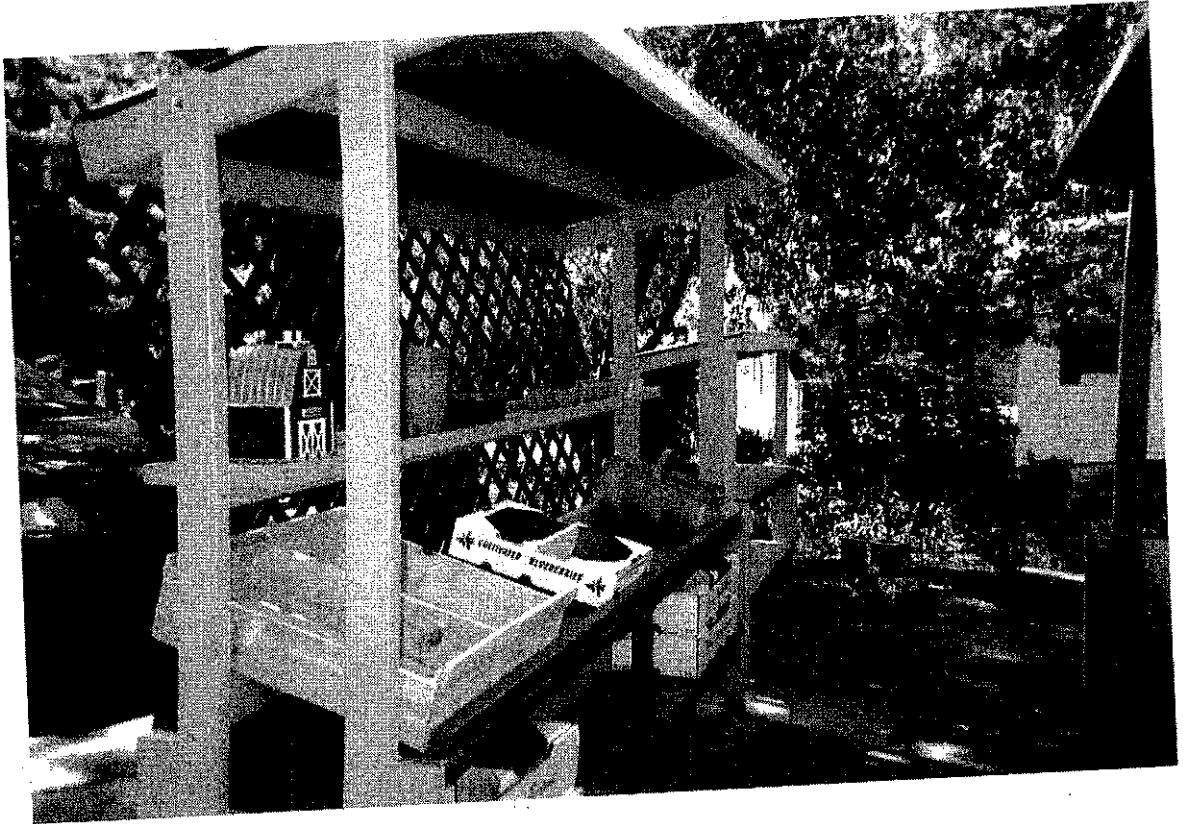
Our goal is to offer fresh farm stand goods at reasonable prices. We grow some of our own vegetables. Our land is donated to us to keep our costs down. We hope to someday purchase some land in western Massachusetts.

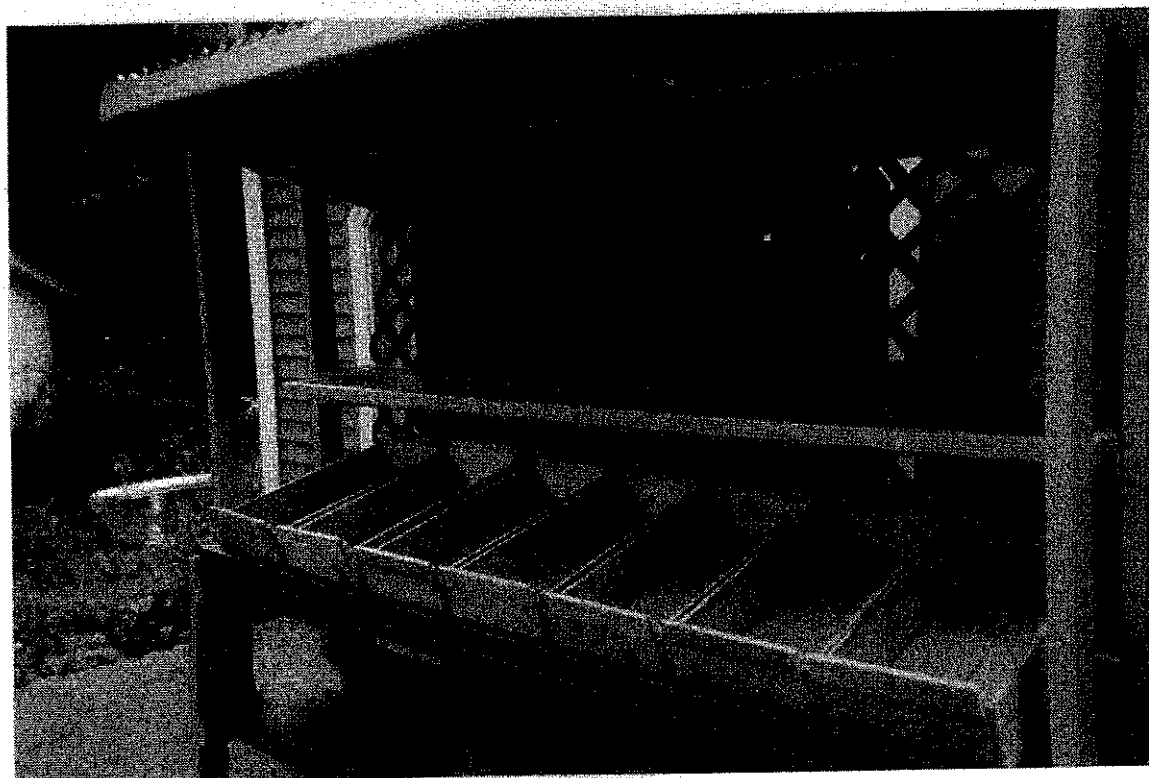
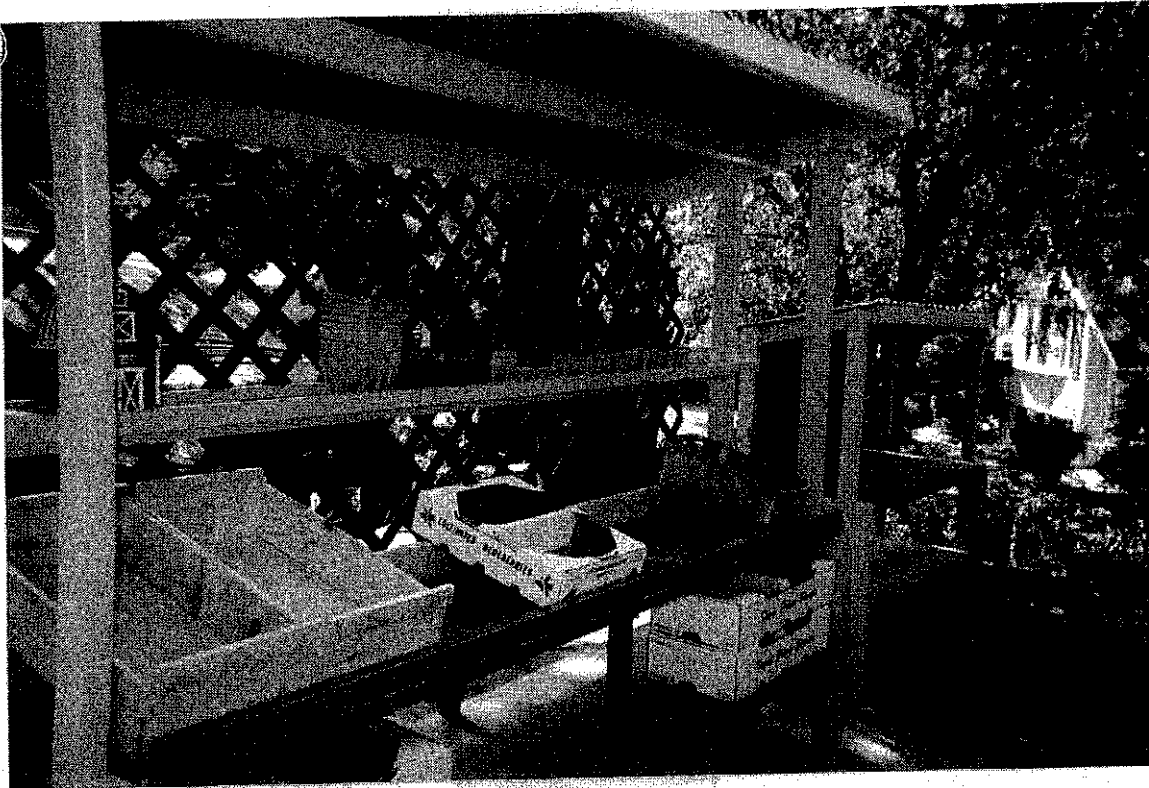
I have worked on vegetable, poultry and dairy farms in New Hampshire most of my life, and after many years of working for someone else, I feel it is time to do it for myself.

We hope you will consider us for your community.

Thanks,

Rich Bailey







Therese Gay <tgay@tyngsboroughma.gov>

## Questions on Pedlers License

Jacqueline R. Zaroulis <charles.zaroulis@verizon.net>

Mon, Jul 26, 2010 at 5:37 PM

To: Therese Gay <tgay@tyngsboroughma.gov>

Dear Terry,

This E-mail is in response to your E-mail of July 19, 2010, seeking direction. Please advise as to the person's name (to avoid any conflict of interest).

The facts presented are:

A gentleman who has a farm in New Hampshire wishes to set up a stand on Middlesex Road.

First, in response to your question, M.G.L. c. 101, § 5, does not require an acceptance by the Town Meeting. I assume that the Board of Selectmen has not adopted any regulations or fee schedule for Hawkers and Pedlers.

Second, I also note, without addressing any zoning issues, that M.G.L. c. 101, § 15, does not apply to any person who peddles only fish obtained by his own labor or that of his family, or fruits, vegetables, or other farm products raised or produced by himself or his family.

See also Zoning By-Laws, Section 4.18.20, which is applicable to farm stands "in sales of primarily locally grown produce ... **not** located on the property where ... grown ... and shall require a special permit by the Board of Selectmen ... except ... this section shall not apply to properties ... exempt under M.G.L. c. 40A, § 3. (My emphasis)

M.G.L. c. 40A, § 3, reads in part:

No zoning ... bylaw shall unreasonably regulate ... use of land for the primary purpose of agriculture ... including those facilities for the sale of produce ... provided that during the months of June, July, August and September ... or during the harvest season of the primary crop raised **on** the land of the owner or lessee, ... have been produced by the owner or lessee of the land on which the facility is located ... or at least 25 per cent of such products for sale ... have been produced in Massachusetts on land other than that on which the facility is located, ... except that all such activities may be limited to parcels of 5 acres or more in area not zoned for agriculture. ...

By separate letter I will send to you a memorandum on transient vendors, hawkers, and pedlers.

Charles

Charles J. Zaroulis, Esq.  
40 Church Street, Suite 500  
Lowell, Massachusetts 01852-2686  
Tel: 978.458.4583  
Fax: 978.937.0950  
E-mail: [charles.zaroulis@verizon.net](mailto:charles.zaroulis@verizon.net)

## The General Laws of Massachusetts

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**PART I. ADMINISTRATION OF THE GOVERNMENT****TITLE XV. REGULATION OF TRADE****CHAPTER 101. TRANSIENT VENDORS, HAWKERS AND PEDLERS****Chapter 101: Section 5. Local license; application; fee; statement of transient vendor; certificate; endorsement of town clerk**

Section 5. Every transient vendor, before making any sales of goods, wares or merchandise in a town, shall make application to the aldermen or selectmen or other board authorized to issue such licenses and, unless the fee therefor is fixed as hereinafter provided, shall file with them a true statement, under oath, of the average quantity and value of the stock of goods, wares and merchandise kept or intended to be kept or exposed by him for sale. Said board shall submit such statement to the assessors of the town, who, after such examination and inquiry as they deem necessary, shall determine such average quantity and value, and shall forthwith transmit a certificate thereof to said board. Thereupon the board shall authorize the town clerk, upon the payment by the applicant of a fee equal to the taxes assessable in said town under the last preceding tax levy therein upon an amount of property of the same valuation, to issue to him a license authorizing the sale of such goods, wares and merchandise within the town. The board may, however, authorize the issue of such license without the filing of said statement as aforesaid, upon the payment of a license fee fixed by it. Upon payment of such fee, said town clerk shall thereupon issue such license, which shall remain in force so long as the licensee shall continuously keep and expose for sale in such town such stock of goods, wares or merchandise, but not later than the first day of January following its date. Upon such payment and proof of payment of all other license fees, if any, chargeable upon local sales, such town clerk shall record the state license of such transient vendor in full, shall endorse thereon "local license fees paid" and shall affix thereto his official signature and the date of such endorsement.

## REQUEST FOR COMMENT FORM

FORM L-2

To: Inspectional Department  
From: Board of Selectmen  
Date: 8/4/2010  
Re: Request for Comment

BOARD OF SELECTMEN  
TYNGSBOROUGH, MA.

TYPE OF LICENSE: Special Permit  
APPLICANT(S) NAME: Rich Bailey  
OWNER(S) NAME: Rich Bailey  
NAME OF BUSINESS: proposed farm stand  
BUSINESS ADDRESS: at 138 M. Idlessex Rd

## Department:

The Board of Selectmen has received an application for a(n) License/Permit. The Board requests that your Department review the application and make any comments on it below and if necessary attach a separate sheet.

Please return by: 8/16/2010

If your Agency Must take action prior to issuance of this license please so indicate action.

COMMENTS: No Comments at this time.

Prepared by: Pamela Bernan (Print) Date: 8/5/10  
Signature: Pamela C. Bernan

Department Head: Steve Hocco (Print) Date: 8/5/2010  
Signature: [Signature]

Cc:	<input type="checkbox"/> ACO	<input type="checkbox"/> Conservation	<input type="checkbox"/> TFD
	<input type="checkbox"/> Assessors	<input type="checkbox"/> DPW	<input type="checkbox"/> TPD
	<input type="checkbox"/> ZBA	<input type="checkbox"/> Historical	<input type="checkbox"/> Town Clerk
	<input type="checkbox"/> Health	<input checked="" type="checkbox"/> Planning Bd.	<input type="checkbox"/> Other ( )
	<input type="checkbox"/> Bldg. Comm.	<input type="checkbox"/> Planner	
	<input type="checkbox"/> Collector	<input type="checkbox"/> Sewer Comm.	

**RECEIVED**Tyngsborough  
Planning Board

8-5-10

## REQUEST FOR COMMENT FORM

To: Inspectional Department  
 From: Board of Selectmen  
 Date: 8/4/2010  
 Re: Request for Comment

TYPE OF LICENSE: Special Permit  
 APPLICANT(S) NAME: Rich Bailey  
 OWNER(S) NAME: Rich Bailey  
 NAME OF BUSINESS: proposed farm stand  
 BUSINESS ADDRESS: at 138 M. Idlessex Rd

## Department:

The Board of Selectmen has received an application for a(n) License/Permit. The Board requests that your Department review the application and make any comments on it below and if necessary attach a separate sheet.

Please return by: 8/16/2010

If your Agency Must take action prior to issuance of this license please so indicate action.

COMMENTS: QUESTION ON PARKING / TRAFFIC / ACCESS

Prepared by: P. SANDS (Print) Date: 8/5/10  
 Signature: [Signature]

Department Head: [Signature] (Print) Date:     /     /      
 Signature: [Signature]

Cc:	<input type="checkbox"/> ACO	<input type="checkbox"/> Conservation	<input checked="" type="checkbox"/> TFD
	<input type="checkbox"/> Assessors	<input type="checkbox"/> DPW	<input type="checkbox"/> TPD
	<input type="checkbox"/> ZBA	<input type="checkbox"/> Historical	<input type="checkbox"/> Town Clerk
	<input type="checkbox"/> Health	<input type="checkbox"/> Planning Bd.	<input type="checkbox"/> Other ( <u>          </u> )
	<input type="checkbox"/> Bldg. Comm.	<input type="checkbox"/> Planner	
	<input type="checkbox"/> Collector	<input type="checkbox"/> Sewer Comm.	

# REQUEST FOR COMMENT FORM

FORM L-2

To: Inspectional Department  
From: Board of Selectmen  
Date: 8/4/2010  
Re: Request for Comment

**RECEIVED**  
AUG 04 2010  
TYNGSBOROUGH  
TOWN COLLECTOR

TYPE OF LICENSE: Special Permit  
APPLICANT(S) NAME: Rich Bailey  
OWNER(S) NAME: Rich Bailey  
NAME OF BUSINESS: proposed farm stand  
BUSINESS ADDRESS: at 138 M. Idlessex Rd

## Department:

The Board of Selectmen has received an application for a(n) License/Permit. The Board requests that your Department review the application and make any comments on it below and if necessary attach a separate sheet.

Please return by: 8/16/2010

If your Agency Must take action prior to issuance of this license please so indicate action.

COMMENTS: No delinquent taxes due for  
landowner or their property.

Prepared by: gus (Print) Date:     /     /      
Signature: gus

Department Head: Gene R. Sprickler (Print) Date: 8/4/10  
Signature: Gene R. Sprickler

Cc: ☐ ACO ☐ Conservation ☐ TFD  
☐ Assessors ☐ DPW ☐ TPD  
☐ ZBA ☐ Historical ☐ Town Clerk  
☐ Health ☐ Planning Bd. ☐ Other (            )  
☐ Bldg. Comm. ☐ Planner  
☒ Collector ☐ Sewer Comm.



# REQUEST FOR COMMENT FORM

FORM L-2

To: Inspectional Department  
From: Board of Selectmen  
Date: 8/4/2010  
Re: Request for Comment

2010 AUG -5 PM 3:23  
TOWN OF TYNESBROUGH, MA.

TYPE OF LICENSE: Special Perm. t  
APPLICANT(S) NAME: Rich Bailey  
OWNER(S) NAME: Rich Bailey  
NAME OF BUSINESS: proposed farm stand  
BUSINESS ADDRESS: at 138 M. Idlessex Rd

## Department:

The Board of Selectmen has received an application for a(n) License/Permit. The Board requests that your Department review the application and make any comments on it below and if necessary attach a separate sheet.

Please return by: 8/16/2010

If your Agency Must take action prior to issuance of this license please so indicate action.

COMMENTS: BOH would require a plan review before a food permit can be issued

Prepared by: Deann Kerry C Ount (Print)  
Signature: Deann C Ount

Date: 8/5/10

Department Head: \_\_\_\_\_ (Print)  
Signature: \_\_\_\_\_

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Cc: <input type="checkbox"/> ACO	<input type="checkbox"/> Conservation	<input type="checkbox"/> TFD
<input type="checkbox"/> Assessors	<input type="checkbox"/> DPW	<input type="checkbox"/> TPD
<input type="checkbox"/> ZBA	<input type="checkbox"/> Historical	<input type="checkbox"/> Town Clerk
<input checked="" type="checkbox"/> Health	<input type="checkbox"/> Planning Bd.	<input type="checkbox"/> Other (_____)
<input type="checkbox"/> Bldg. Comm.	<input type="checkbox"/> Planner	
<input type="checkbox"/> Collector	<input type="checkbox"/> Sewer Comm.	

# REQUEST FOR COMMENT FORM

FORM L-2

10 AUG -5 PM 2:36  
TOWN OF LYNN  
LYNN, MA.

To: Inspectional Department  
From: Board of Selectmen  
Date: 8/4/2010  
Re: Request for Comment

TYPE OF LICENSE: Special Permit  
APPLICANT(S) NAME: Rich Bailey  
OWNER(S) NAME: Rich Bailey  
NAME OF BUSINESS: proposed farm stand  
BUSINESS ADDRESS: at 138 M. Idleson Rd

## Department:

The Board of Selectmen has received an application for a(n) License/Permit. The Board requests that your Department review the application and make any comments on it below and if necessary attach a separate sheet.

Please return by: 8/16/2010

If your Agency Must take action prior to issuance of this license please indicate action.

COMMENTS: No Comment

Prepared by: Harro (Print)  
Signature: [Signature]

Date: 8/5/10

Department Head: Harro (Print)  
Signature: [Signature]

Date: 8/5/10

Cc:	<input type="checkbox"/> ACO	<input checked="" type="checkbox"/> Conservation	<input type="checkbox"/> TFD
	<input type="checkbox"/> Assessors	<input type="checkbox"/> DPW	<input type="checkbox"/> TPD
	<input type="checkbox"/> ZBA	<input type="checkbox"/> Historical	<input type="checkbox"/> Town Clerk
	<input type="checkbox"/> Health	<input type="checkbox"/> Planning Bd.	<input type="checkbox"/> Other ( )
	<input type="checkbox"/> Bldg. Comm.	<input type="checkbox"/> Planner	
	<input type="checkbox"/> Collector	<input type="checkbox"/> Sewer Comm.	

10 AUG -5 AM 9:39  
CONSERVATION COMMISSION

## REQUEST FOR COMMENT FORM

To: Inspectional Department  
 From: Board of Selectmen  
 Date: 8/4/2010  
 Re: Request for Comment

TYPE OF LICENSE: Special Permit  
 APPLICANT(S) NAME: Rich Bailey  
 OWNER(S) NAME: Rich Bailey  
 NAME OF BUSINESS: proposed farm stand  
 BUSINESS ADDRESS: at 138 M. Idlessex Rd

## Department:

The Board of Selectmen has received an application for a(n) License/Permit. The Board requests that your Department review the application and make any comments on it below and if necessary attach a separate sheet.

Please return by: 8/16/2010

If your Agency Must take action prior to issuance of this license please so indicate action.

COMMENTS: I Have no comments at this time.

Prepared by: MANIC Dyer (Print) Date: \_\_\_ / \_\_\_ / \_\_\_

Signature: \_\_\_\_\_

Department Head: [Signature] (Print) Date: 8/5/10

Signature: \_\_\_\_\_

Cc: <input type="checkbox"/> ACO	<input type="checkbox"/> Conservation	<input type="checkbox"/> TFD
<input type="checkbox"/> Assessors	<input type="checkbox"/> DPW	<input type="checkbox"/> TPD
<input type="checkbox"/> ZBA	<input type="checkbox"/> Historical	<input type="checkbox"/> Town Clerk
<input type="checkbox"/> Health	<input type="checkbox"/> Planning Bd.	<input type="checkbox"/> Other (_____)
<input checked="" type="checkbox"/> Bldg. Comm.	<input type="checkbox"/> Planner	
<input type="checkbox"/> Collector	<input type="checkbox"/> Sewer Comm.	

# REQUEST FOR COMMENT FORM

FORM L-2

To: Inspectional Department  
From: Board of Selectmen  
Date: 8/4/2010  
Re: Request for Comment

MAINE  
TOWN OF  
SELECTMEN  
TOWN OF  
MAINE

TYPE OF LICENSE: Special Permit  
APPLICANT(S) NAME: Rich Bailey  
OWNER(S) NAME: Rich Bailey  
NAME OF BUSINESS: proposed farm stand  
BUSINESS ADDRESS: at 138 M. Idlessex Rd

## Department:

The Board of Selectmen has received an application for a(n) License/Permit. The Board requests that your Department review the application and make any comments on it below and if necessary attach a separate sheet.

Please return by: 8/16/2010

If your Agency Must take action prior to issuance of this license please so indicate action.

COMMENTS: I CAN'T SEE ANY PROBLEMS  
WITH THIS REQUEST.

Prepared by: \_\_\_\_\_ (Print)  
Signature: \_\_\_\_\_

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Department Head: RICHARD D. GILL (Print)  
Signature: Richard D. Gill

Date: 8/10/10

Cc: ☐ ACO ☐ Conservation ☐ TFD  
☐ Assessors ☒ DPW ☐ TPD  
☐ ZBA ☐ Historical ☐ Town Clerk  
☐ Health ☐ Planning Bd. ☐ Other (\_\_\_\_\_  
☐ Bldg. Comm. ☐ Planner  
☐ Collector ☐ Sewer Comm.

## REQUEST FOR COMMENT FORM

FORM L - 2

BOARD OF SELECTMEN  
TYNISTOWN, MA.

To: Inspectional Department  
From: Board of Selectmen  
Date: 8/4/2010  
Re: Request for Comment

TYPE OF LICENSE: Special Permit  
APPLICANT(S) NAME: Rich Bailey  
OWNER(S) NAME: Rich Bailey  
NAME OF BUSINESS: proposed farm stand  
BUSINESS ADDRESS: at 138 M. Idlessex Rd

Department:

The Board of Selectmen has received an application for a(n) License/Permit. The Board requests that your Department review the application and make any comments on it below and if necessary attach a separate sheet.

Please return by: 8/16/2010

If your Agency Must take action prior to issuance of this license please so indicate action.

COMMENTS: NONE  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Prepared by: \_\_\_\_\_ (Print) Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_  
Signature: \_\_\_\_\_

Department Head: Joseph GIBBENS (Print) Date: 8/10/10  
Signature: JAG

Cc: ☐ ACO ☐ Conservation ☐ TFD  
☒ Assessors ☐ DPW ☐ TPD  
☐ ZBA ☐ Historical ☐ Town Clerk  
☐ Health ☐ Planning Bd. ☐ Other (\_\_\_\_\_)  
☐ Bldg. Comm. ☐ Planner  
☐ Collector ☐ Sewer Comm.

FORM L - 2

REQUEST FOR COMMENT FORM AUG 11 11 31 AM

To: Inspectional Department  
 From: Board of Selectmen  
 Date: 8/4/2010  
 Re: Request for Comment

TOWN OF LYNDEN  
 LYNDEN, MA.

TYPE OF LICENSE: Special Perm. +  
 APPLICANT(S) NAME: Rich Bailey  
 OWNER(S) NAME: Rich Bailey  
 NAME OF BUSINESS: proposed farm stand  
 BUSINESS ADDRESS: at 138 M. Idlesox Rd

Department:

The Board of Selectmen has received an application for a(n) License/Permit. The Board requests that your Department review the application and make any comments on it below and if necessary attach a separate sheet.

Please return by: 8/16/2010

If your Agency Must take action prior to issuance of this license please so indicate action.

COMMENTS: No comments  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Prepared by: William F. Mully (Print)  
 Signature: William F. Mully

Date: 08/06/10

Department Head: William Mully (Print)  
 Signature: William F. Mully

Date: 08/06/10

Cc:	<input type="checkbox"/> ACO	<input type="checkbox"/> Conservation	<input type="checkbox"/> TFD
	<input type="checkbox"/> Assessors	<input type="checkbox"/> DPW	<input checked="" type="checkbox"/> TPD
	<input type="checkbox"/> ZBA	<input type="checkbox"/> Historical	<input type="checkbox"/> Town Clerk
	<input type="checkbox"/> Health	<input type="checkbox"/> Planning Bd.	<input type="checkbox"/> Other (_____)
	<input type="checkbox"/> Bldg. Comm.	<input type="checkbox"/> Planner	
	<input type="checkbox"/> Collector	<input type="checkbox"/> Sewer Comm.	

**CHARLES J. ZAROULIS LAW OFFICES**

2010 AUG 13 10:27  
40 Church Street, Suite 500, Lowell, Massachusetts 01852-2686  
Telephone (978) 458-4583  
Facsimile (978) 937-0950  
BOARD OF SELECTMEN  
TYNGSBOROUGH, MA.

August 13, 2010

Ms. Ashley O'Neill, Chairperson  
Board of Selectmen  
Town Hall  
25 Bryants Lane  
Tyngsborough, MA 01879

**File: Tyngsborough**

**Re: Street Acceptance  
Jonathan Circle, Wilson Way, Marla Circle, Alpine Way, Skyline Drive,  
Diaz Drive, and Rello Way**

Dear Chairperson O'Neill and Board Members:

As you know, the articles approved require from the developer the following:

1. All cost for acceptance have been paid; and
2. Certificate of Title from the developer.

To date, I have not received the above information.

As to the costs, each street acceptance will cost approximately \$400 for the preparation of the Order of Taking; and I will not prepare any Order of Taking for the Board of Selectmen to sign until I am directed by the Board to do so. Once the Orders of Taking are signed, each will be recorded with the Registry of Deeds; and the Registry of Deeds recording fees will be \$75.00 for each plan and 75.00 for each Order of Taking. This does not include the cost of resolving any Land Court issues.

I also note that these matters have been unnecessarily delayed by the developers, which may now require remedial action. I suggest that, in the future, the articles not be placed on the warrant until all documents and fees have been received by the Town.

Please call if you have any questions.

Sincerely yours,

  
Charles J. Zaroulis  
Town Counsel

CJZ:ksz

August 17, 2010

270 Pawtucket Boulevard  
Tyngsborough, MA 01879

Chief William F. Mulligan  
Tyngsborough Police Department  
20 Westford Road  
Tyngsborough, MA 01879

Dear Chief Mulligan;

As I am sure you are aware, at 4 AM on Sunday morning an intruder violated the sanctity of my home in Tyngsborough placing my wife, 10-month-old baby child, and me in a terrifying situation.

Although I have been a Lowell Police Officer for seventeen (17) years, I never imagined the fear and drastic emotions I could experience knowing that I had to protect my family inside our own home from an intruder in the middle of the night. Police officers prepare to face these ordeals day in and day out in the workplace but never really comprehend the feelings we may experience when we are personally victimized at 4 AM while asleep in our own home.

I want to send a personal note of thanks and commend the unbelievable actions of Officer Melanson, Officer Rider, and Dispatcher Ronan for coming to the aid of my family during this trying ordeal.

The calm and reassuring voice of Dispatcher Ronan clearly helped my frantic wife relay what she admits must have been a "911 jumbled mess" of information as she was terrified for the safety of our baby daughter. Dispatcher Ronan obviously acted quickly and efficiently in sorting through this information as the response time of the responding police officers was unbelievable.

As I wrestled on the kitchen floor to hold onto the intruder my fears were lessened when I could see the approach of flashing blue lights in my driveway. From the response time, I can only imagine that Officer Melanson and Officer Rider placed their own lives in jeopardy responding to my home in their cruisers as they understood the severity of what may have been.

I must also commend them on the level of restraint and professionalism they exhibited in dealing with the intruder in taking him into custody. I was very fortunate that I was able to surprise the intruder from behind and get him quickly subdued in a good hold. I knew he was contained ... the responding police officers did not. From my experience as a police officer, I know the emotional high and adrenaline rush that the responding officers must have been going through. The unknown circumstances and fear that a brother police officer and his family are being attacked in their own home must have placed them at a tremendous tactical disadvantage in terms of their own safety.

Upon entering my home and taking the intruder into custody your police officers showed poise, professionalism, and incredible restraint. Of course, due to the fact that I had just wrestled with the intruder on the floor of my home, I may have wanted to see those shiny new Tyngsborough Police Department Tasers you just purchased used on this intruder. But again your officers



showed the same level of restraint I demonstrated in dealing with this intruder who was (quite fortunately) quickly contained and unable to do any harm. We all understand the scrutiny that the public, press, and courts place upon police officers. Anything other than restraint and professionalism in this situation would have taken the attention away from the intruder's actions and would have placed it on all of us instead.

My family was fortunate that this situation turned out as it did ... from crime statistics we know it could have been much worse. My only hope now is that the Massachusetts Court System treats this case in a manner relative to the severity of the crime. Although unfortunate that my family had to experience this incident, I can only imagine that this situation would have had a much different outcome if this intruder had picked my eighty-year-old elderly next-door neighbors home instead of mine. He chose poorly for himself ... he chose wisely for us.

From a victim's perspective, I was also very impressed with how Officer Melanson and Officer Rider were not only able to gather the case facts, testimony, evidence, and photographs of the scene, but also how they showed incredible empathy and people skills that calmed even my wife's nerves.

I would ask that if your Police Department has any formal means of recognition for acts well done that you consider Officer Melanson, Officer Rider, and Dispatcher Ronan for an award of exemplary police work.

Extremely grateful & fraternally yours,

A handwritten signature in cursive script that reads "Stephen Beland". The signature is written in dark ink and is positioned to the left of a large, empty circular mark.

Stephen, Jennifer, & Baby Lily Beland

cc. Ms. Ashley O'Neill, Chairwoman of Board of Selectman  
25 Bryants Lane, Tyngsborough MA 01879



William F. Mulligan  
Chief of Police

# Town of Tyngsborough

Police Department

20 Westford Road

Tyngsborough, Massachusetts 01879-0549



TEL: (978) 649 - 7504

FAX: (978) 649 - 2324

To: Sgt. Nasworthy, Officers Rider, Melanson and Dispatcher/Reserve Officer Ronan

From: Chief William F. Mulligan *WFM*

Re: Letter of Commendation

Date: August 23, 2010

RECEIVED  
TYNGSBOROUGH, MA.  
AUG 26 11:59

On today's date I received a letter from Lowell Police Officer Stephen Beland and his family thanking each of you for doing an outstanding job. After reading his letter and his descriptions of how you each performed your duties, I realized that it is easy to think that you were just doing your job when you are called to assist the public.

It's not only that you responded to a call for help, it is also the quality of the work you did and the service you provided.

I want to commend you all for a great job! I know the Beland family appreciated your professional response.

Cc BOS Town Administrator, file, Beland family



Timothy P. Cahill  
Treasurer and Receiver General

**Commonwealth of Massachusetts**  
**Department of the State Treasurer**  
**Alcoholic Beverages Control Commission**  
**239 Causeway Street**  
**Boston, MA 02114**  
**Telephone: (617) 727-3040**  
**Fax: (617) 727-1258**

2010 AUG 24 11:12:07

Kim S. Gainsboro  
Chairman  
TYNGBOROUGH, MA

Re: Anjali, Inc.  
DBA: Sun City Variety  
Premise: 240 Lakeview Avenue  
City/Town: Tyngsborough, MA 01879  
License #: 129800050  
Heard: August 17, 2010

## DECISION

Anjali, Inc. dba Sun City Variety ("The Licensee") holds an all alcohol license issued pursuant to M.G.L. c.138, §15. The Alcoholic Beverages Control Commission ("The Commission") held a hearing on August 17, 2010 regarding an alleged violation of M.G.L. c.138, §34. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Rose Bailey's Compliance Check Field Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Compliance Check Field Report of Investigator Rose Bailey.

There is one (1) tape of this hearing.

### Facts

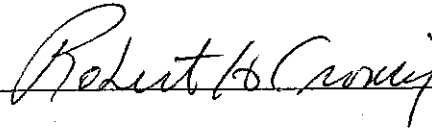
1. On, June 8, 2010 at approximately 6:47 p.m., Commission Investigators investigated the business operation Anjali, Inc. dba Sun City Variety.
2. An underage operative, working with the investigators, purchased a 24oz. of Miller Lite for \$2.44. The underage operative was not asked for identification.

### Conclusion

Based on the evidence, the Commission finds the licensee violated M.G.L. c. 138, §34. The Commission **suspends the license for three (3) days of which three (3) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

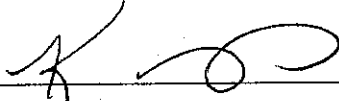
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Robert Cronin, Commissioner



I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Kim S. Gainsboro, Chairman



Dated in Boston, Massachusetts this 20<sup>th</sup> day of August 2010.

You have the right to appeal this decision to the Superior Courts under the provisions of Chapter 30A of the Massachusetts General Laws within thirty days of receipt of this decision.

cc: Tyngsborough Licensing Board  
Frederick G. Mahony, Chief Investigator  
File



Timothy P. Cahill  
Treasurer and Receiver General

**Commonwealth of Massachusetts**  
**Department of the State Treasurer**  
**Alcoholic Beverages Control Commission**  
**239 Causeway Street**  
**Boston, MA 02114**  
**Telephone: (617) 727-3040**  
**Fax: (617) 727-1258**

2010 AUG 19 PM 3:24  
BOARD OF SELECTMEN  
TYNGSBOROUGH, MA.

Kim S. Gainsboro  
Chairman

Re: Dracut Food Service Corp.  
D/B/A: Thirsty's  
Premise: 25 Parham Road  
City/Town: Tyngsborough, MA 01879

**AMENDED DECISION**

Dracut Food Service, Inc. d/b/a Thirsty's ("the licensee") holds an all alcohol license issued pursuant to Massachusetts General Laws chapter 138, §12. The Alcoholic Beverages Control Commission ("the Commission") held a hearing on August 10, 2010 regarding an alleged violation of Massachusetts General Laws c. 138, §34. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Rose Bailey's Compliance Check Field Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Compliance Check Field Report of Investigator Rose Bailey.

There is one (1) tape of this hearing.

Facts

1. On, June 8, 2010 at approximately 7:02 p.m., Commission Investigators investigated the business operation Dracut Food Service Corp. dba Thirsty's
2. An underage operative, working with the investigators, purchased a bottle of Budweiser for \$3.00. The underage operative was not asked for identification.

Conclusion

Based on the evidence, the Commission finds the licensee violated Massachusetts General Laws c. 138, §34. The Commission **suspends the license for three (3) days of which three (3) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner

*Susan Corcoran*

Robert Cronin, Commissioner

*Robert H Cronin*

Dated in Boston, Massachusetts this 10<sup>th</sup> day of August 2010.

You have the right to appeal this decision to the Superior Courts under the provisions of Chapter 30A of the Massachusetts General Laws within thirty days of receipt of this decision.

cc: Tyngsborough Licensing Board  
Frederick G. Mahony, Chief Investigator  
File

2010 AUG 20 AM 9: 21

BOARD OF SELECTMEN  
TYNGSBOROUGH, MA.

**TYNGSBOROUGH SCHOOL DISTRICT  
SCHOOL COMMITTEE MEETING**

**EXECUTIVE SESSION**

**JULY 20, 2010**

8:40 p.m.

Burt Buchman made a motion, seconded by Herb Desrosiers, to go into Executive Session for the purpose of discussing a personnel issue and come out to adjourn the open meeting.

VOTE: UNANIMOUS 5, Yea 0, Nay 0, Abstain

-Mrs. Wennerstrom	-Yea	-Mr. Hunt	-Yea
-Mr. Buchman	-Yea	-Mr. Hickey	-Yea
-Mr. Desrosiers	-Yea		

The Committee discussed a personnel issue.

On a motion made by Jeff Hunt, seconded by Burt Buchman, it was voted to adjourn the Executive Session at 9:36 p.m. and come out only to continue the business on the agenda.

VOTE: UNANIMOUS 5, Yea 0, Nay 0, Abstain

-Mrs. Wennerstrom	-Yea	-Mr. Hunt	-Yea
-Mr. Buchman	-Yea	-Mr. Hickey	-Yea
-Mr. Desrosiers	-Yea		

APPROVED: August 17, 2010

TYNGSBOROUGH SCHOOL COMMITTEE MEETING  
(Tyngsborough Hall Community Room)

July 20, 2010

The meeting was called to order by Chair Wennerstrom at 7:00 p.m. Those present were Jeff Hunt, Burt Buchman, John Hickey and Herb Desrosiers.

1. Call to Order

Also present were Superintendent Ciampa and Business Administrator Joe Messina.

School Committee members, Superintendent Ciampa, Business Administrator Joe Messina and Administrative Assistant Sue Harvey introduced themselves.

Chair Wennerstrom welcomed Superintendent Ciampa.

Chair Wennerstrom called for the approval of the Minutes.

2. Approve the Minutes  
of June 1, 2010, and the  
Executive Session of  
June 1, 2010

Herb Desrosiers made a motion, seconded by Burt Buchman, to approve the Minutes of June 1, 2010.

VOTE: UNANIMOUS 5, Yea 0, Nay 0, Abstain

Burt Buchman made a motion, seconded by Herb Desrosiers to approve the Executive Session Minutes of June 1, 2010.

VOTE: UNANIMOUS 5, Yea 0, Nay 0, Abstain

Superintendent Ciampa acknowledged the following correspondence:

3. Correspondence  
A. Supt's Letters

- TTA Grievance Response from Dr. Lockwood-Teaching Hours and Teaching Load
- Letter to Michael Gilleberto regarding TECC Study Committee
- Letter From Town Hall-Open Meeting Law

B. Letter from Town Hall  
(Open Meeting Law)

Visitors, Maria & Chris Ryan, noted that they are here to discuss the possibility of starting a volleyball team at the high school.

4. Visitors' Comments  
and Questions

Discussion was held.



Superintendent Ciampa noted that they have a sub-committee working on athletics and they could possibly meet with them and develop a timeline and costs and then the subcommittee can come back to the School Committee with the information and a recommendation.

Superintendent Ciampa noted that he had previously talked about the Lowell Sun article on the four (4) girls trying to make a difference. They have just finished the Backpack Initiative and they will be filming around town. He noted that they are also looking to expand ideas to other school districts.

Superintendent Ciampa recommended that approval of Policy #2.6-Fuel Efficient Vehicle and Policy #2.7-Energy Reduction Action Plan as Second Readings.

Herb Desrosiers made a motion, seconded by Jeff Hunt to approve Policy #2.6 and Policy #2.7 as a Second Readings.

VOTE: UNANIMOUS 5, Yea 0, Nay 0, Abstain

Chair Wennerstrom noted that School Committee Policy #1.8 requires that the Policy Book be reaffirmed each July. Any policies that need updating or clarification should be identified and passed onto the volunteers working on policy matters.

Burt Buchman made a motion, seconded by Herb Desrosiers, to reaffirm the School Policy Book.

VOTE: UNANIMOUS 5, Yea 0, Nay 0, Abstain

Superintendent Ciampa notified the Committee of the requests for maternity leave:

- Juliette Pieslak - S & L Pathologist TMS/THS - return TBD
- Leya Messier - District Wide O.T.-return on or about 9/27/10

Jeff Hunt made a motion, seconded by John Hickey to approve the leaves for Juliette Pieslak and Leya Messier.

VOTE: UNANIMOUS 5, Yea 0, Nay 0, Abstain

5. Share the Success

6. Policy

A. Second Reading

Policy #2.6-Fuel Efficient Vehicle and Policy #2.7-Energy Reduction Action Plan

B. Reaffirm School Policy Book

7. Personnel

A. Request for Maternity

Leave/Leave of Absence  
-Juliette Pieslak  
-Leya Messier

Superintendent Ciampa notified the Committee of the following resignation:

- Michael D. Edwards – TMS Gr. 7 Science Teacher after 8 years

B. Notification of Resignation:  
-Michael D. Edwards - TMS

He thanked him for his years of service and wished him well.

Superintendent Ciampa notified the Committee of the following appointments:

- Sarah Lewenczuk – Director of Guidance
- Anna Szok – Preschool Teacher
- Kathleen Burham – Curriculum, Instruction & Assessment
- Daniel Browning- 4<sup>th</sup> & 5<sup>th</sup> Grade ELA-1 year appointment (replacing Bridget Rocheleau)
- Kristin Ducharme – TES Health and Science Teacher
- Mary Jane Caron – Special Education Facilitator

C. Notification of Appointments:  
-Sarah Lewenczuk  
-Anna Szok  
-Kathleen Burnham  
-Daniell Browning  
-Kristin Ducharme  
-Mary Jane Caron

He extended his congratulations.

Superintendent Ciampa notified the Committee of the following staff member attaining Professional Status for 2010/11:

- Alyson Marcello – TES Speech & Language

D. Professional Status  
-Alyson Marcello

Superintendent Ciampa notified the Committee of the following requested reduction in service :

- Deborah Kasabian – Gr. 6 Science Teacher to (.6)

E. Reduction in Service  
-Deborah Kasabian to (.6)

Burt Buchman noted that the group is repurposing itself back to its original charge of strategic budget forecasting and planning. We are requesting all town departments to use their existing headcounts and roll forward budgets through FY 2013-14. These are due August 19<sup>th</sup> to the SFPC to review. Tri-board meeting to be convened in September for review of all this information. The SFPC will be conducting two (2) informational meetings for the debt exclusion ballot question on August 12<sup>th</sup> and September 7<sup>th</sup>. We will be asking for a representative from the School Committee, Finance Committee, and Board of Selectmen to speak to their portion of the warrant article.

8. Standing Committees  
A. Strategic Financial Planning Committee

Some discussion was held.

Herb Desrosiers noted that the Committee did not meet tonight. They are looking to meet on August 10, 2010 and need to look at a new policy on the new bullying law.

B. Policy Committee

Joe Messina noted that he sent a letter to the Board today. He noted that they are trying to set up an organizational meeting for August 16, 2010.

C. Transportation Advisory Board

Burt Buchman noted that they met last night (Unit D) and signed off on the ground rules. Unit D presented their proposal. Their team is meeting next week to discuss and put together a response. The next meetings with Unit D are scheduled for August 2<sup>nd</sup> and 9<sup>th</sup>.

D. Negotiations Committee

Superintendent Ciampa acknowledged the Neighbor to Neighbor Article Plan for FY11. He noted that the deadline for the September article is August 10<sup>th</sup>. They will resend it electronically to everyone for comments.

9. Unfinished Business

A. Neighbor to Neighbor Article Plan for FY11

Staff member, Julie Simon, noted that the Committee has been meeting twice a month. They have been awarded \$300 from the Educational Foundation for Tyngsborough (EFT) and \$2,700 from the Parent Teacher Organization (PTO) and she discussed how some of that money was spent. She gave an update on donated time, design plan, etc.

B. Update on Outdoor Classroom

George Trearchis noted that he was able to get a copy of the plan for the sidewalk design and drainage plan.

Mrs. Simon was thanked for her update.

George Trearchis noted that awhile back, he brought forward the idea of forming a facilities action planning committee to explore the following:

C. Update Facilities Initiatives

- Develop a RFQ for a comprehensive master plan
- Develop an energy management protocol & project list
- Conduct a study of campus access
- Address space needs

He noted that he made up a draft for the RFQ and some of the things they could possibly have in a master plan are:

- To discuss goals & objectives in a public forum
- Discuss the existing sites they have currently
- Valuate the Capital Plan list of projects that they have

- Look at energy
- School renewal/asset management

Some discussion was held.

George Trearchis noted that as they all know, there is an issue with the flooding on the road. The type of remedy that they do may not correct the problem without causing problems. They need to look at these options. All of them are going to improve the situation somewhat, but they need to chose what is best for the town. He suggested meeting with the Department of Public Works, Board of Selectmen, & Conservation Committee to look at this issue. He would like to see them do something by June 30, 2011.

D. Update on TES Roadway

Some discussion was held.

Out of Order:

10. New Business

Burt Buchman made a motion, seconded by Herb Desrosiers, to take item (10E) - New Business-Status of Maintenance Vehicle Fleet out of order.

E. Status of Maintenance  
Vehicle Fleet

VOTE: UNANIMOUS 5, Yea 0, Nay 0, Abstain

George Trearchis noted that the maintenance vehicle fleet is down 50%. Their truck has a rotten frame and has been fixed a few times, but now cannot pass inspection. This truck is used for plowing and other things. The estimate to replace the truck from Liberty Chevrolet (contract for state vehicles) is \$26,000.

Jeff Hunt noted that when Mr. Trearchis notified him back in early June, he contacted Town Hall and there's been only one communication (through Mr. Messina) from them about possibly sharing a DPW truck, which does not make sense.

Superintendent Ciampa noted that they have been without a truck and George Trearchis and his staff have been using their own vehicles for work.

Chair Wennerstrom suggested that they communicate the urgency of the need for a truck. She also recommended reimbursing Mr. Trearchis for use of his truck.

Superintendent Ciampa noted that they are convening a group together. There is a new leadership team and they are picking up where Superintendent Lockwood, Kim Oliveira and Rob Ford left off.

Joe Messina noted that John Prunier and Michelle Curran are here to give a brief look at how they did last year and their thoughts going forward into next year. He noted that he will also be asking the School Committee to approve Whitson's option year (year #3 of 5 possible years) and authorize the Chair to sign the agreement.

John and Michele were thanked for their update.

Jeff Hunt made a motion, seconded by Burt Buchman, to approve Whitson's option year (year #3 of 5 possible years) and authorize the Chair to sign the agreement.

VOTE: UNANIMOUS 5, Yea 0, Nay 0, Abstain

Superintendent Ciampa noted that they have received Home School Programs for the following families:

- Kevin & Carol Munroe  
Male Child: DOB 11/19/93  
Female Child: DOB 9/14/96
- Brett & Kelly Johnson  
Female Child: DOB 7/1/97
- Mark & Melissa Stanaford  
Male Child: DOB 6/25/93  
Female Child: DOB 11/7/94  
Male Child: DOB 5/21/97  
Male Child: DOB 12/20/00
- Lloyd & Brenda Mosemann  
Male Child: DOB 4/13/97  
Female Child: DOB 3/13/00  
Male Child: DOB 7/8/03
- David & Nancy Masters  
Male Child: DOB 10/3/96
- Curtis & Pamela Christiansen  
Male Child: DOB 9/28/96

Superintendent Ciampa noted that they don't have any information at this time on the Tigers Hoop Camp.

## 10. New Business

### A. Professional Development Plan

### B. Food Service-FY11

### C. Home School Approval:

- Kevin & Carol Munroe  
Male Child: DOB 11/19/93  
Female Child: DOB 9/14/96
- Brett & Kelly Johnson  
Female Child: DOB 7/1/97
- Mark & Melissa Stanaford  
Male Child: DOB 6/25/93  
Female Child: DOB 11/7/94  
Male Child: DOB 5/21/97  
Male Child: DOB 12/20/00
- Lloyd & Brenda Mosemann  
Male Child: DOB 4/13/97  
Female Child: DOB 3/13/00  
Male Child: DOB 7/8/03
- David & Nancy Masters  
Male Child: DOB 10/3/96
- Curtis & Pamela Christiansen  
Male Child: DOB 9/28/96

### D. Tigers Hoop Camp 2010 Third Annual

Not on the Agenda:

Chair Wennerstrom received a notice for the Suburban Coalition dues - \$250.

Jeff Hunt made a motion, seconded by Burt Buchman, to approve the expense of \$250 for dues.

VOTE: UNANIMOUS 5, Yea 0, Nay 0, Abstain

Bill Schedules were signed.

Chair Wennerstrom acknowledged the May 2010 Financial Package and noted that if anyone has questions please see Joe Messina.

Chair Wennerstrom acknowledged the End of Year Pupil and Financial Report. The audit report states no findings and she complimented Sue Harvey and Joe Messina for a job well done.

None at this time.

Jeff Hunt wished everyone a happy summer.

Burt Buchman hopes that everyone is enjoying the summer. He welcomed Superintendent Ciampa and noted that he appreciates the time they spent together last week. He noted that September is coming fast so enjoy the rest of the summer.

Herb Desrosiers hopes that everyone is enjoying their summer. He is looking forward to the new Director of Curriculum, Instruction and Assessment starting her work.

John Hickey noted to everyone to enjoy the rest of the summer.

Superintendent Ciampa thanked the School Committee and the Central Office staff for welcoming him. He noted that he is very excited about the new leadership team. He noted that he attended the Superintendent's

Not on the Agenda:

-Suburban Coalition Dues

11. Finance

A. Signing of Bills

B. May 2010 Financial Package

C. End of Year Pupil & Financial Report (June 30, 2009)

12. Visitors' Comments and Questions

13. School Committee Discussion

Conference and tomorrow, the Commissioner of Education is recommending to the DESE the Common Core Standards. He brought copies for the Committee. He noted that Mr. Chester plans to visit Tyngsborough Public Schools in the fall. He thanked everyone who attended the meeting tonight.

Chair Wennerstrom noted that she received a very nice thank you note from Daniel Birkhead and that she is looking forward to serving with the new Student Representative, Katelyn O'Connor. She received an invitation from Middlesex County Sheriff's Department Camp. Tyngsborough's week is August 16<sup>th</sup>. She received a letter dated June 16<sup>th</sup> in today's package from Board of Selectmen Chair, Ashley O'Neill, requesting copies of Collective Bargaining Contracts. They will follow up and respond through appropriate channels. She noted to Superintendent Ciampa that this was a great first meeting. She applauded the TES Summer Program and noted that they will need a Work Session and asked Committee members to look at their August calendar.

9:37 p.m.

Jeff Hunt made a motion, seconded by John Hickey, to go 14. Executive Session into Executive Session for the purpose of discussing a personnel issue and come out only to adjourn the open meeting.

VOTE: UNANIMOUS 5, Yea 0, Nay 0, Abstain

-Chair Wennerstrom	-Yea	-Mr. Hunt	-Yea
-Mr. Buchman	-Yea	-Mr. Hickey	-Yea
-Mr. Desrosiers	-Yea		

9:37 p.m.

Jeff Hunt made a motion, seconded by John Hickey, to 15. Adjournment adjourn the open meeting.

VOTE: UNANIMOUS 5, Yea 0, Nay 0, Abstain

Respectfully submitted,

Herb Desrosiers, Secretary

APPROVED: August 17, 2010

**CHARLES J. ZAROULIS LAW OFFICES**

40 Church Street, Suite 500, Lowell, Massachusetts 01852-2686

Telephone (978) 458-4583

Facsimile (978) 937-0950

August 17, 2010

Mark L. Scheier, Esq.  
Scheier & Katin, P.C.  
103 Great Road  
Acton, MA 01720

**File: Tyngsborough**

**Re: Regonini, Kathryn L., Estate of  
21 Red Gate Road  
Zoning and Building Code Violations**

Dear Mark:

Please reference my telephone call of July 19, 2010, and my letter of August 4, 2010, and advise whether you have discussed the matter with Mr. Rone Kendall and what the status is relative to compliance.

I have prepared a complaint but have withheld filing with the hope that this matter can be resolved.

If I do not hear from you, I shall have no alternative but to file the complaint.

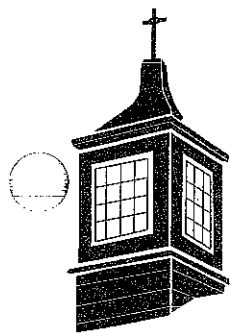
Sincerely yours,

Charles J. Zaroulis  
Tyngsborough Town Counsel

CJZ//jrz

cc: Mr. Mark E. Dupell, Building Commissioner  
Mr. Michael P. Gilleberto, Town Administrator





# Rivier

## COLLEGE

2010 AUG 23 10:10:10  
MAIL ROOM  
TYNGSBORO, MA.

Dear Business Leader:

I am writing to tell you that Rivier College will be holding its 13<sup>th</sup> Annual "Swing into Fitness" Golf Classic on September 27, 2010 at Vesper Country Club in Tyngsboro, Massachusetts. Proceeds will support health and fitness for young adults through athletic programs. I believe Rivier is certainly one of the premier educational institutions in our state, and I am proud of this college. Your support is critical in providing health and fitness programs for Rivier students.

The College, once again, is very excited to offer a raffle with a fantastic list of prizes. A list of the raffle items at the time of this mailing is attached. Winners will be announced at the tournament on September 27 and online at [www.rivier.edu/golfclassic](http://www.rivier.edu/golfclassic) by September 29. Participants do not need to be present at the tournament to win. Tickets cost \$25 for a book of five.

We have enclosed two books of raffle tickets for your consideration. Please fill out one ticket and we'll complete the information on the remaining tickets for you. Payment can be made by check or credit card as listed below. Please return tickets and payment by September 20, 2010 in order to be included in the raffle. My company, All Metals Industries, of Belmont, NH will be assisting the College with the collection of the raffle tickets.

I hope you will join me by supporting Rivier College health and fitness programs, while taking a chance on some great raffle prizes. On behalf of the Rivier College community, your support is sincerely appreciated.

Sincerely,

Terry W. Robinson  
Chairman, All Metals Industries, Inc.

### PAYMENT

☐ Enclosed is my check made payable to Rivier College.

☐ Please charge my credit card: ☐ Visa ☐ MasterCard ☐ Discover

Name (Please print) \_\_\_\_\_

Account number \_\_\_\_\_ Expiration Date \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

# **Rivier College "Swing Into Fitness" Golf Classic**

## **September 27, 2010**

### **Raffle Prizes**

7 Night Royal Caribbean Cruise for Two (*Choose your week—valid through September 2011!*)

Diamond Earrings from Jonathan's Jewelers (\$2000 retail value)

Two Apple iPads with Wi-Fi 16GB

Two Compaq - Presario Laptops with Intel Celeron Processor

Two Asus - Eee PC Netbooks with Intel Atom Processor

Two Amazon Kindle Wireless Reading Devices

Two Apple iPod Touches 32GB

Four Apple iPod Nanos 16GB

Two Apple iPod Touches 8GB

Sony iPod Dock Radio

Bose Wave Music System

Two Pairs of Bose On-Ear Headphones

TEAC GF450K7 Turntable Cassette CD Recorder and Radio

Two Samsung Touch of Color T220HD 22-inch LCD HDTV Monitors

Two PowerShot A3100 IS Digital Cameras

Two Flip Ultra HD Camcorders

Two Sharp 19 Inch 720p LCD HDTVs

Two Sony Blu Ray DVD Players

Two Movado Folio Women's Swiss Quartz Watches

Two Swiss Army Men's Alliance Black Strap Watches

Two \$300 Lowe's Gift Cards

Two \$200 Home Depot Gift Cards

Two \$200 American Express Classic Gift Cards

Five \$100 ExxonMobil Gift Cards

Five \$100 Shell Gift Cards

Two \$100 American Express Classic Gift Cards

Garmin Nuvi 1200 GPS Navigation System

Three TomTom One 140S GPS Navigation Systems

Two Zhumell Eclipse 114 with Motor Drive Reflector Telescopes

Nikon Action Extreme Waterproof Binoculars

Three Rokinon 7x50 Night Vision 50+ Binoculars

Emerson 10x25 Digital Camera Binocular

Round of Golf for Four with Carts at Nashua Country Club

Two Scotty Cameron Putters

Two Callaway uPro Golf GPS Systems

Set of Custom Fit Golf Clubs

Series of 3 lessons at Vesper Country Club

Holiday Wreath donated by Fortin-Gage

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## SAVE THE DATE

Wednesday, October 27, 2010 • 6-9pm, Lenzi's, Dracut, MA

# Celebrating CTI's 17th Annual Evening with Local Heroes

Nominate Your Hero Today - visit [www.comteam.org](http://www.comteam.org) or call 978 459-0551, ext. 281.



**CELEBRATING CTI'S 17<sup>TH</sup> ANNUAL  
EVENING WITH LOCAL HEROES**

**Wednesday, October 27, 2010  
6-9pm, Lenzi's, Dracut, MA**

**Nominate Your Hero Today  
Visit [www.comteam.org](http://www.comteam.org);  
call 978 459-0551, ext. 281;  
or pick up a nomination form  
at 167 Dutton St., Lowell, MA.**



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ZIP 01852  
041L11205736

Richard Lemoine  
Town of Tyngsboro  
25 Bryants Lane  
Tyngsboro, MA 01879



2010 AUG 23 11:25

BOARD OF SELECTMEN  
TYNGSBOROUGH, MA.

Glen Stanbury  
Maxamillians Inc.  
315 Middlesex Rd

Tyngsboro Town Hall  
Board of Selectmen  
25 Bryant Lane  
Tyngsborough, MA 01879

Dear Board Members,

I respectfully request to be placed on the agenda for the next scheduled Selectman's meeting for the proposed modification of Maxamillians entertainment license to include "non gambling poker" and "charity poker tournaments".

Thank you,



Glen Stanbury,  
Maxamillians Inc.

TOWN OF TYNGSBOROUGH  
APPLICATION FOR WEEKDAY ENTERTAINMENT

Date: 8/23/10

In accordance with Massachusetts General law, Chapter 140, section 183A, hereby requests a  
weekday entertain license for:

Establishment: Matamillians Inc.

Address: 315 Middlesex Rd.

2010 AUG 23 AM 11:29  
EDWARD J. JELLOTEN  
TYNGSBOROUGH, MA.

Weekday Entertainment at the above mentioned establishment will include the following:

up to 6

<input checked="" type="checkbox"/>	Dancing by patrons
<input checked="" type="checkbox"/>	Vocalists
<input checked="" type="checkbox"/>	Disc Jockey
<input checked="" type="checkbox"/>	Jukebox
<input checked="" type="checkbox"/>	Orchestra (please state number of pieces)
<input checked="" type="checkbox"/>	Bands (please state number of pieces)
<input checked="" type="checkbox"/>	Floor Show (please describe)
	<u>modeling / Fashion Shows</u>
<input checked="" type="checkbox"/>	Television
<input checked="" type="checkbox"/>	Radio/Stereo
<input checked="" type="checkbox"/>	Piped in Music
<input checked="" type="checkbox"/>	OTHER: (please describe fully)
	<u>1) non-gambling POKER</u>
	<u>2) charity POKER tournaments</u>

Please use additional pages as needed to fully describe the type and scope of the proposed entertainment. **PLEASE NOTE:** Should you be granted a license, only those activities specifically identified in this application form will be deemed licensed, and that any activity not specifically identified or described will not be deemed to be licensed.

HOURS WHICH ENTERTAINMENT WILL BE CONDUCTED

Monday	<u>11 AM</u> to <u>1:30 AM</u>
Tuesday	_____ to _____
Wednesday	_____ to _____
Thursday	_____ to _____
Friday	_____ to _____
Saturday	_____ to _____

} 11 AM to 1:30 AM

I agree not to change the type of entertainment provided in my establishment without the prior written permission of the Local Licensing Authority

Signature of Licensee: \_\_\_\_\_

TOWN OF TYNGSBOROUGH  
APPLICATION FOR SUNDAY ENTERTAINMENT

○ Date: 8/23/10

2010 AUG 25 3:11:29

In accordance with Massachusetts General law, Chapter 136 and 140, section 183A, hereby requests a weekday entertain license for:

Establishment: Maxamilians Inc.

Address: 315 Middlesex Rd.

Weekday Entertainment at the above mentioned establishment will include the following:

<input checked="" type="checkbox"/>	Dancing by patrons
<input checked="" type="checkbox"/>	Vocalists
<input checked="" type="checkbox"/>	Disc Jockey
<input checked="" type="checkbox"/>	Jukebox
<input checked="" type="checkbox"/>	Orchestra (please state number of pieces)
<u>upto</u> <input checked="" type="checkbox"/> <u>6</u>	Bands (please state number of pieces)
<input checked="" type="checkbox"/>	Floor Show (please describe)
	<u>modeling / Fashion Shows</u>
<input checked="" type="checkbox"/>	Television
<input checked="" type="checkbox"/>	Radio/Stereo
<input checked="" type="checkbox"/>	Piped in Music
<input checked="" type="checkbox"/>	OTHER: (please describe fully)
	<u>1 Non-Gambling Poker</u>
	<u>2 Charity Poker tournaments</u>

Please use additional pages as needed to fully describe the type and scope of the proposed entertainment. **PLEASE NOTE:** Should you be granted a license, only those activities specifically identified in this application form will be deemed licensed, and that any activity not specifically identified or described will not be deemed to be licensed.

HOURS WHICH ENTERTAINMENT WILL BE CONDUCTED

Sunday 1:00 P.M. to 1:00 AM.

I agree not to change the type of entertainment provided in my establishment without the prior written permission of the Local Licensing Authority.

Signature of Licensee: 

**CHARLES J. ZAROULIS LAW OFFICES**

40 Church Street, Suite 500, Lowell, Massachusetts 01852-2686

Telephone: 978.458.4583

Facsimile: 978.937.0950

E-mail: [charles.zaroulis@verizon.net](mailto:charles.zaroulis@verizon.net)

VIA ELECTRONIC MAIL ONLY

August 24, 2010

Chief William Mulligan  
Tyngsborough Police Department  
20 Westford Road  
Tyngsborough, MA 01876

**File: Tyngsborough**

**Re: Maxamillians' Poker Tournament**

Dear Chief Mulligan

This letter is in response to your E-mail-requesting my opinion regarding the following:

1. "... if these tournaments are legal to run under the law, and ...."
2. "... if they meet the licensing authority approval ...."

The below are my preliminary comments.

**I. Facts Presented**

- A. July 30, 2010: Anonymous letter that Maxamillians is operating a poker tournament.
- B. August 4, 2010: Sergeant Charles Chronopoulos investigates and speaks with Glen A. Stanbury, owner, and says that the owner is using Eastern Poker Tours, and one must pay a \$15.00 entry fee to participate.
- C. Maxamillians has a weekday/Sunday [Entertainment License] "for ... Vocalist, Live Entertainment to include Band; Vocalists, Disc Jockey. 29 Billiard Tables."
- D. Maxamillians' attorney claims that there is no entry fee to be paid and there is no requirement to purchase the buffet for \$15.00. If the buffet is purchased, the



# CHARLES J. ZAROULIS LAW OFFICES

Chief William Mulligan, Tyngsborough Police Department  
Re: Maxamillians' Poker Tournament  
August 24, 2010

Page 2 of 3

participant may play and eat, but if the participant does not purchase the buffet, the participant may play but pay separately for food.

## II. ISSUES

- A. Whether a poker tournament violates M.G.L. c. 27, § 7, if there is no entry fee.
- B. Whether a poker tournament violates the licensing authority's [approval] Rules and Regulations.

## III. DISCUSSION

Issue A.:

You have a complete copy of the Attorney General's Advisory [Opinion] on Poker Tournaments, dated June 2005, which I do not disagree with. See Section 1 of the Opinion.

If players do not pay an entry fee, bet, or otherwise contribute something of value to play in a poker tournament, it does not constitute a lottery. A poker tournament in which the participants pay nothing to play (meaning players neither pay an entry fee nor bet money during the game) may award prizes to winning players.

If the poker tournament follows these rules, it is not an illegal lottery.

Issue B:

Board of Selectmen Regulations for all establishments serving alcoholic beverages, under Section 39, Entertainment, reads:

No form of entertainment, including but not limited to radio, television ... shall be allowed without obtaining an entertainment license. ...

The American Heritage Dictionary defines the word, "entertainment" as follows:

1. The act of entertaining.
2. The art or field of entertaining.
3. Something that entertains; especially, a performance or show designed to amuse or divert.
4. The pleasure afforded by being entertained; amusement.
5. Hospitality extended toward guests. ...

**CHARLES J. ZAROULIS LAW OFFICES**

Chief William Mulligan, Tyngsborough Police Department  
Re: Maxamillians' Poker Tournament  
August 24, 2010

Page 3 of 3

I have reviewed the licenses received by Maxamillians from the Board of Selectmen, and I do not find that Maxamillians has a license to conduct a poker tournament.

The application form for weekday and Sunday entertainment license is specific and enumerates various categories which must be checked off, such as "dancing by patrons," "vocalists," etc. and "Other." Under "Other," Maxamillians inserted "Pool Tables." "Poker Tournament" was not inserted. Consequently, I infer, where "poker tournament" was not requested, that "poker tournament" was not included in the license.

**IV. CONCLUSION**

My view is that Maxamillians needs to apply for such a license; and if Maxamillians conducts a poker tournament without such a license, it may be subject to a disciplinary hearing under the alcoholic beverages laws.

As stated above, if the tournament complies with the rules set forth in the Attorney General's advisory Opinion, it is not an illegal lottery.

Please call me if you have any questions or to discuss.

Sincerely yours,

Charles J. Zaroulis  
Town Counsel

CJZ/jrz

cc: Board of Selectmen  
Mr. Michael P. Gilleberto, Town Manager

25 Bryant Lane  
Tyngsborough, MA 01879  
TEL: 978 649-2300 Ext. 100  
FAX: 978 649-2320

# TOWN OF TYNGSBOROUGH

*Chief Mulhegan* — 978-649-2324

To: *Charles Zaroulis Esq* Fax: *978 937-0950*

From: *Therese Gay* Date: *8/25/10*

Re: Pages: *87*

CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

*Glen is on Monday's agenda  
at 7:20pm*

June 2005

## ATTORNEY GENERAL'S ADVISORY ON POKER TOURNAMENTS

The rising popularity of games such as Texas Hold'em and other forms of poker has led to an increase in poker tournaments, many of them organized by charities for fundraising purposes. For those who wish to hold such tournaments, this *Advisory* is intended as a guide to help distinguish between poker tournaments that are illegal and subject to prosecution in Massachusetts, and those that are legal.

Poker tournaments in Massachusetts are illegal if they violate either the lottery or betting prohibitions of the Massachusetts General Laws. This requires an analysis of two separate statutory provisions.

First, section 7 of Chapter 271 generally prohibits lotteries. Lotteries involve games of chance in which contestants pay money or something else of value for the opportunity to win prizes. Assuming that poker is a game of chance, section 7 prohibits all poker tournaments in which players pay an entry fee or something else of value to play a game which offers prizes to the winner(s). The legislature has carved out one important exception to this broad prohibition. Qualifying non-profit organizations are permitted to operate lotteries for fundraising purposes if they meet certain conditions and obtain a permit under section 7A of Chapter 271.

Second, section 17 of Chapter 271 prohibits anyone from registering bets, or buying or selling pools, on the result of poker hands, games or tournaments. Even a qualifying non-profit organization cannot operate a poker tournament in which players or spectators bet money or anything else of value on hands, or in which prizes come from a pool of money or something else of value based on the number of people who play, or the amount of proceeds collected.

### **I. A poker tournament is illegal if it is operated as a lottery.**

Except for certain qualifying non-profit organizations that are issued a lottery permit under section 7A of Chapter 271 (discussed below in greater detail), it is illegal to set up or promote a lottery in which players pay to play a game where winning something of value is "dependent upon or connected with chance by lot, dice, numbers, game, hazard or other gambling device." G.L. c. 271, § 7. A game is an illegal lottery if:

- Players pay something of value to play the game. This includes players who are charged an entry fee, are required to make a charitable contribution, or bet money or anything else of value during the course of the game;
- The game is considered a game of chance; and
- Winning players receive something of value.

Even if the game involves some level of skill, it may still be a lottery. "The simplest form of lottery is, perhaps, a game depending wholly on chance in which the skill of the player is not a factor . . . . The mere fact that skill as well as chance may enter into a game, however, does not prevent it from being a lottery . . . . With reference to cases where both elements are present, the rule generally stated is that if the element of chance rather than that of skill predominates, the game may be found to be a lottery."<sup>1</sup> At least one court has ruled that under Massachusetts law, chance predominates over skill in video poker games and, as such, they are illegal lotteries.<sup>2</sup> Massachusetts appellate courts have not been called upon to determine whether traditional forms of poker are considered games of chance rather than skill.

Assuming that all forms of poker are games of chance, it is illegal to promote, operate or play in a poker tournament if a) players pay an entry fee, bet, or otherwise contribute something of value to play and b) prizes of cash or something else of value are awarded to winning players. The only exception to this prohibition involves fundraising activities by certain non-profit organizations issued lottery permits under section 7A of Chapter 271.

Of course, if players do *not* pay an entry fee, bet, or otherwise contribute something of value to play in a poker tournament, it does not constitute a lottery. A poker tournament in which participants pay nothing to play (meaning players neither pay an entry fee nor bet money during the game) may award prizes to winning players.

## **II. A poker tournament that would otherwise be an illegal lottery in Massachusetts is legal when operated by a properly licensed qualifying non-profit organization.**

Section 7A of Chapter 271 allows certain qualifying organizations to hold special events, known as "bazaars," for fundraising purposes. Bazaars (also referred to as Las Vegas or Casino nights) may include games of chance such as roulette, craps, blackjack, and poker, including Texas Hold'em. A qualifying organization which operates a bazaar pursuant to section 7A is not in violation of the section 7 lottery prohibitions so long as the organization and players comply with the requirements described in more detail below.

---

<sup>1</sup> *Commonwealth v. Plissner*, 295 Mass. 457, 463-64 (1936).

<sup>2</sup> See *United States v. Marder*, 48 F.3d 564 (1<sup>st</sup> Cir. 1995). In *Commonwealth v. Club Caravan*, 30 Mass. App. Ct. 561 (1991), the court held that video poker games contain an element of skill, but did not rule whether skill or chance is the predominate feature.

### **A. Qualifying Organizations**

Poker tournaments held pursuant to section 7A may only be operated by:

- (1) a veterans' organization chartered by the Congress of the United States;
- (2) a church or religious organization;
- (3) a fraternal or fraternal benefit society;
- (4) an educational or charitable organization;
- (5) a civic or service club; or
- (6) other clubs or organizations operated exclusively for non-profit purposes.

### **B. Summary of Important Limitations**

Qualifying organizations wishing to run poker tournaments must:

- \$ have been organized and operating in Massachusetts for at least two years;
- \$ obtain a permit from the city or town where the event will be held;
- \$ limit cash awards to \$25 (there is no similar limitation on non-cash awards); and
- \$ hold no more than three bazaars per calendar year.

### **C. Local and State Permits**

A qualifying organization must request and obtain the necessary permit from the city or town where the poker tournament will be held and must follow all of the legal requirements for holding such a tournament, including, among other things: being a non-profit functioning in Massachusetts for at least two years; identifying three qualified members who will be in charge of the event; and specifying how the net proceeds will be used for charitable purposes. A poker tournament cannot be held at the same time as a bingo or beano event. Attached is a checklist to assist municipalities in obtaining the information necessary for issuing a permit.

The Lottery Commission does not require that an organization obtain a permit from the Commission, but does require that the organization hosting a bazaar, including any poker tournament, file a report on the funds raised and pay to the Lottery Commission five percent of the gross proceeds.

#### **D. Management and Operation**

There are strict rules about how qualifying organizations must manage and operate poker tournaments. The organization must appoint a member in charge who is responsible for all of the activities at the tournament and the filing of all financial reports. The member in charge must be present during the tournament and be familiar with all laws and regulations pertaining to the event. The organization must also designate one of its officers (different from the member in charge) to be responsible for all of the proceeds.

Any person or company that rents equipment to the organization cannot also supply card dealers or game managers. In fact, the organization cannot allow anyone who is an employee or agent of an equipment rental company to be on the premises during the event. Only members of the organization can participate in the event's promotion and operation.

Other legal requirements for operating a tournament include: posting house rules; filing the necessary reports; and maintaining accurate records, including the amount and source of all proceeds, all expenses and disbursements, prize winners and prizes awarded.

#### **E. Prizes**

Tournaments organized under section 7A are limited to "one or both of the following types of prizes: (1) merchandise, of any value, (2) cash awards, not to exceed twenty-five dollars each." Merchandise (including gift cards) and cash awards may be awarded to one or more winners at the end of the entire event, at the end of any game, or at such other times and in such other manner during the event as the organization chooses, so long as the prizes have been determined in advance and do not increase or decrease based on the number of people playing, the amount of proceeds collected, or the outcome of the games being played.

#### **F. Penalties**

Failure to comply with the promotion, operation, and reporting requirements governing bazaars can expose a non-profit organization and its event organizers to various penalties. Under section 7A of Chapter 271, bazaar permits may be immediately revoked, non-profits may be prohibited from holding a bazaar for up to three years, and civil and criminal penalties may be imposed on individuals, including a fine of up to \$1,000 and up to one year imprisonment. Moreover, anyone who is not covered by the protections of section 7A, but nonetheless sets up or promotes a poker tournament in violation of the section 7 lottery restrictions, may be guilty of a felony offense punishable by up to three years in state prison or a \$3,000 fine.

There are also other requirements for operating a bazaar. Attached to this *Advisory* are checklists to assist non-profits and municipalities in completing the required steps for holding a bazaar pursuant to the provisions of G.L. c. 271, § 7, and 940 CMR 13.00, which are, respectively, the statute and regulations that govern bazaars in the Commonwealth of Massachusetts.

**III. Poker tournaments that do not violate Massachusetts lottery laws are still illegal if they allow players or spectators to register bets of money or anything else of value on the result of the game(s), or if they constitute the buying or selling of pools out of which prizes are awarded.**

**Even a qualifying non-profit organization that obtains a bazaar permit under section 7A of Chapter 271 cannot lawfully operate a poker tournament in which players or spectators register bets of money or anything else of value on the result of the game or receive prizes out of pools.**

Section 17 of Chapter 271 makes it illegal to keep or be found in any place with "apparatus, books or any device, for registering bets, or buying or selling pools, upon the result of a . . . contest of skill . . . or upon the result of a game . . . ." The statute prohibits two different kinds of conduct.

First, it is illegal to hold or participate in a poker tournament if players or spectators bet money or anything else of value on hands or games. There is no exception to this prohibition. Under Massachusetts law, a player bets if he or she has a chance of winning and losing money or something of value, and whether he or she wins or loses is dependent on the outcome of a hand or game.<sup>3</sup>

Second, it is illegal for tournaments to pool the proceeds collected from players and use those proceeds for the prizes awarded. Even if only a portion of the proceeds collected go to the winner(s), it may still represent an illegal pool under Massachusetts law.<sup>4</sup>

Poker tournaments must be structured to avoid the restrictions on bets and pools. For example, a tournament may be lawfully operated if:

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<sup>3</sup> See *Commonwealth v. Sousa*, 33 Mass.App.Ct. 433, 437 (1991) (citing *Commonwealth v. Sullivan*, 218 Mass. 281, 283 (1914)).

<sup>4</sup> See *Commonwealth v. Sullivan*, 218 Mass. 281, 283 (1914).



- § Players pay a pre-determined entry fee that entitles them to play in the tournament. So long as the entry fee is pre-determined, is the same for all players in the game, and is not tied to how the players fare during the game, it does not constitute betting. Of course, requiring players to pay an entry fee would turn the tournament into a lottery. The tournament would then have to be sponsored by a qualifying non-profit organization that has been issued a bazaar permit under section 7A of Chapter 271.
- § At the start of the tournament, players are given an equal number of poker chips. Once the tournament begins, players cannot purchase any more chips. Re-buys are prohibited.
- § During the course of the tournament, players receive prizes. The rules might provide that at the end of each game, or at the end of each hour of play, the player with the most number of points or chips receives a prize. Even though players have a chance of winning something of value, it is not betting because the players have no chance of losing anything of value.
- § Prizes are determined by the event organizer in advance of the tournament, and do not increase or decrease based on the number of people who play, the amount of money collected, or the outcome of a particular hand or game. Courts in other states have found a meaningful distinction between games in which there is a pre-determined prize contributed by an event organizer, and games in which the participants alone contribute the funds which the winner(s) receive.

#### **IV. Contacts**

If you have questions concerning the operation of poker tournaments or other similar fundraising activities, please feel free to contact:

Office of the Attorney General  
Division of Public Charities  
(617) 727-2200, ext. 2101

Massachusetts State Lottery Commission  
(781) 849-5555, ext. 527

Department of Public Safety  
Office of the Commissioner of Public Safety  
(617) 727-3200, ext. 25230

## **Checklist for a Non-Profit Organization Holding a Poker Tournament**

### ***Step One - Qualifying Organizations***

- G A veterans' organization, church or religious organization, fraternal or fraternal benefit society, educational or charitable organization, civic or service club, or other organization operated exclusively for non-profit purposes.
- G Actively functioning as a non-profit organization in the Commonwealth for at least the past two years.
- G If required, have registered with the Attorney General's Division of Public Charities pursuant to G.L. c. 12, § 8E and c. 68, § 19, are up-to-date with annual filings, and are in possession of a valid Certificate for Solicitation.
- G Haven't conducted more than three bazaars in a single calendar year.
- G Haven't had a raffle/bazaar permit revoked for a G.L. c. 271, § 7A violation occurring within the past three years.

### ***Step Two - Preparing for the Event***

- G Select three persons, two of whom have been officers or members in good standing for at least the past three months and one of whom has been a member in good standing for at least the past two years, to be responsible for the operation of the event and the uses to which the net proceeds will be applied.
- G Of the three members selected, designate one person who has been a member in good standing for at least the past two years to be the "member in charge," with primary responsibility for the operation of the event.
- G Designate a separate person who is an officer of the organization to be the "officer responsible for gross receipts," with primary responsibility for the accounting, use, and disposition of all funds received during the event.
- G Establish a system of bookkeeping to keep complete financial records.
- G Maintain a list of all members who assist in the event's promotion and operation.
- G Establish and reduce to writing the house rules.

- G Determine in advance the prizes to be awarded (prizes should not increase or decrease based on the number of people playing, the amount of proceeds collected, or the outcome of the games being played).
- G Limit individual cash prizes to \$25. (Prizes for merchandise, including gift cards, may be any value.)
- G Obtain a permit from the clerk of the city or town in which the event will be held.
- G Arrange for a uniformed police officer to be present during the event.
- G Do not hold a bingo or beano event at the same time as the poker tournament. (A raffle may be held simultaneously, so long as the organization complies with all applicable legal obligations.)

#### ***Step Three - During the Event***

- G Ensure that the member in charge and all assistants are present and display proper ID.
- G Prohibit anyone under eighteen on that part of the premises where poker is played.
- G Ensure non-members do not participate in any aspect of the tournament's promotion or operation.
- G Conspicuously post house rules at each table, including no tipping of dealers.
- G Ensure that participants and spectators are not registering bets of money or anything of value upon the result of any hand or game.
- G Ensure that the event does not last longer than five hours.

#### ***Step Four - After the Event***

- G Within ten days after the Bazaar, file a return with the Lottery Commission.
- G Within thirty days after the permit expires, file with the clerk two copies of the financial report certified by the three members responsible for the event and by an accountant.
- G Store all records so that they will be accessible and available for at least one year from the issuance of the financial report or for at least three years if an organization is required to file an annual report with the Division of Charities.

- G Use net proceeds exclusively for educational, charitable, religious, fraternal or civic purposes, or for veterans' benefits.

## **Checklist for a Municipality Issuing a Poker Tournament Permit**

### ***Step One - Application Information***

- G The application includes the name and address of the organization.
- G The organization is a veterans' organization, church or religious organization, fraternal or fraternal benefit society, educational or charitable organization, civic or service club, or other organization operated exclusively for non-profit purposes. (You may ask the organization to provide evidence of its non-profit status.)
- G The organization has been actively functioning in the Commonwealth for at least the past two years.
- G The application includes the names of three officers or members of the organization responsible for the event, two of whom have been officers or members in good standing for at least the past three months and one of whom has been an officer or member in good standing for at least the past two years.
- G The application states how the net proceeds from the event will be used (limited to educational, charitable, religious, fraternal or civic purposes, or for veterans' benefits).

### ***Step Two - Additional Requirements***

- G The event is being held in the city or town that is issuing the permit.
- G The organization has not held more than three bazaars in a single calendar year.
- G The organization is not holding beano/bingo or any other event on the day of the bazaar (excluding a raffle, which may be held simultaneously with a bazaar).
- G The event does not last more than five hours.
- G The organization has not had a raffle/bazaar permit revoked for a G.L. c. 271, § 7A, violation occurring within the past three years.
- G The organization will have a uniformed police officer from the city or town where the event is held present during the tournament.

### *Step Three - Approval Process*

- G Upon the filing of an application, the clerk of the city or town in which the tournament will be held must determine that the application is in conformity with section 7A of Chapter 271.
- G The clerk may require the applicant to produce a current list of its membership by name, address, telephone number and a description of the type and length of membership of each person in the organization.
- G If in conformity with section 7A, the clerk forwards the application to the municipality's police chief for determination that the applicant is qualified to operate such a tournament. (A police department may not run CORI checks in connection with the application process, without express authorization from the Criminal History Systems Board.)
- G If the police chief determines that the applicant is qualified, the chief endorses the application and returns it to the clerk.
- G The clerk issues a permit valid for one year from the date of issuance.
- G The clerk retains one copy of the approved application, and forwards a second copy of the approved application to the Commissioner of Public Safety.
- G The clerk forwards a notice of issuance to the Lottery Commission.

### *Step Four - Reporting Process*

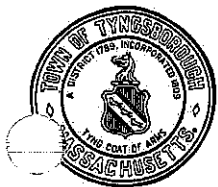
- G Within thirty days after the expiration of the permit, the organization must file two copies of a financial report with the clerk.
- G The financial report shall set forth the number of raffles and bazaars held, the amount of money received, the expenses incurred, the names of the winners of prizes exceeding \$25 in value, net proceeds, and the uses to which the net proceeds were applied.
- G The financial report must be certified by the three members who are responsible for the event and an accountant.
- G The clerk keeps one copy of the financial report and forwards the other copy to the Commissioner of Public Safety.

#### *Step Five - Denial/Revocation Process*

- G If the clerk determines that the application is not in conformity with the requirements of section 7A of Chapter 271, the clerk shall deny the application.
- G If the police chief determines that the applicant is not qualified to operate a poker tournament, the police chief shall report that determination to the clerk, and the clerk shall deny the application.
- G An application to renew a permit may be denied if the organization fails to file the required financial report.
- G If a permit was issued based on inaccurate information and a change in the facts of an event make it illegal, the clerk may revoke the permit.
- G At any point after being issued, the permit may be revoked for any violation of section 7A of Chapter 271. A new permit cannot be issued for three years after the violation.

#### *Step Six - Appeals Process*

- G If an application is not acted upon within thirty days, or is denied, or is revoked for any reason other than a violation of section 7A, any person named on the application has ten days to petition for review in the district court having jurisdiction over the city or town in which the application was filed.
- G The judge may direct that the permit be issued if there were no reasonable grounds for refusing such permit.
- G If a permit is revoked because of a violation of section 7A, any person aggrieved by the action may file an appeal in the relevant district court within twenty days following receipt of notification of the revocation.



William F. Mulligan  
Chief of Police

# Town of Tyngsborough

Police Department

20 Westford Road

Tyngsborough, Massachusetts 01879-0549



TEL: (978) 649 - 7504

FAX: (978) 649 - 2324

To: Michael Gilleberto Town Administrator/Board of Selectmen  
From: Chief William F. Mulligan *WFM*  
Re: Maxamillians Billiards Poker Tournaments  
Date: August 5, 2010

2010 AUG -5 PM 3:04  
TYNGSBOROUGH, MA.

On August 4, 2010 I received an anonymous letter stating that Maxamillians Billiards has been conducting illegal poker tournaments on Sunday and Thursday evening on a weekly basis.

I assigned Sgt. Charles Chronopoulos to investigate this complaint. (See attached Report)

After contacting the owner of Maxamillians Billiards one Glen Stanbury he was told to no longer hold these tournaments. Mr. Stanbury apologized stating he had no idea that these tournaments were illegal.

I will be assigning Officers on patrol to check Maxamillians for any signs of these tournaments.

I have also assigned Sgt. Christopher Chronopoulos to stop by Maxamillians Billiards on today date August 5, 2010 and once again tell Glen Stanbury that these tournaments are illegal. Sgt. Christopher Chronopoulos will write a report once this is done.

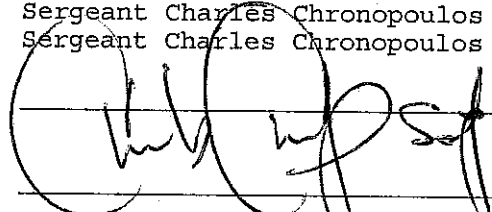
If you have any questions or concerns please let me know.



Tyngsborough Police Department  
Incident Report

Page: 1  
08/04/2010

Incident #: 10-666-OF  
Call #: 10-14719

Date/Time Reported: 08/04/2010 1459  
Report Date/Time: 08/04/2010 1516  
Status: Incident Open  
Reporting Officer: Sergeant Charles Chronopoulos  
Approving Officer: Sergeant Charles Chronopoulos  
Signature:   
Signature:

SUSPECT(S)	SEX	RACE	AGE	SSN	PHONE
STANBURY, GLEN A 315 MIDDLESEX RD TYNGSBOROUGH MA 01879	M	W	41		978-475-4748

Military Active Duty: N  
BODY: NOT AVAIL.  
DOB: 03/16/1969  
LICENSE NUMBER: MA  
COMPLEXION: NOT AVAIL.  
PLACE OF BIRTH: NOT AVAIL.  
ETHNICITY: NOT HISPANIC

[CONTACT INFORMATION]

Home Phone (Primary) 978-475-4748

EMPLOYER/SCHOOL: MAXAMILLIANS BILLARDS

OFFENSE(S)	ATTEMPTED	TYPE
LOCATION TYPE: Other/Unknown MAXAMILLIANS INC 315 MIDDLESEX RD TYNGSBOROUGH MA 01879		Zone: CAR 1 AREA A
RAFFLE/BAZAAR VIOLATION 271/7A OCCURRED: 08/01/2010 1800	N	Ordinance

PERSON(S)	PERSON TYPE	SEX	RACE	AGE	SSN	PHONE
MAXIMILLIANS 315 MIDDLESEX RD TYNGSBOROUGH MA 01879	BUSINESS					978-649-0400
STANBURY, GLEN A 315 MIDDLESEX RD TYNGSBOROUGH MA 01879 DOB: 03/16/1969 EMPLOYER: MAXAMILLIANS BILLARDS CONTACT INFORMATION: Home Phone (Primary) 978-475-4748	PARTICIPANT	M	W	41		978-475-4748
EASTERN POKER TOUR 315 MIDDLESEX RD TYNGSBOROUGH MA 01879	BUSINESS					401-529-4572



## NARRATIVE FOR SERGEANT CHARLES CHRONOPOULOS

Ref: 10-666-OF

Entered: 08/04/2010 @ 1535      Entry ID: S3  
Modified: 08/04/2010 @ 1838      Modified ID: S3  
Approved: 08/04/2010 @ 1706      Approval ID: S3

On the 4th day of August, 2010, I was assigned as patrol shift supervisor between the hours of 0700-1500 hrs. At approximately 0900 hrs, I had a meeting with Chief William Mulligan who showed me an anonymous letter he received from a concerned group called, "Fair Competition Committee of MA". The letter was addressed to Maximillian's Billiards located on 315 Middlesex Road, Tyngsborough, MA. (see attached copy)

The letter was sent as a courtesy to Maximillians warning that they were allowing, "Eastern Poker Tours," to conduct illegal poker tournaments on Sunday and Thursday evenings on a weekly basis. Chief Mulligan requested I investigate this matter and report back to him with my findings.

At 1100 hrs, I met with Glen Stanbury, (owner/proprietor of Maximillian's Billiards). I showed Mr. Stanbury the letter Chief William Mulligan received from the anonymous author representing, "Fair Competition Committee of MA". Mr. Stanbury advised that he just returned to work full time after recent surgery and had not seen or received such a letter. After Mr. Stanbury read the letter, he stated that he was using a company called, "Eastern Poker Tours," on Sunday and Thursday evenings to run poker tournaments. Mr. Stanbury advised that he uses a man employed by Eastern Poker Tours to oversee the tournaments by the name of, "John Parente," tel #401.529.4572.

**The tournament works as follows:** *To participate in the poker tournament, one would have to pay a fifteen dollar entry fee. The fee would allow a patron to play poker and partake in Maximillians food buffet.* I advised Mr. Stanbury that this operation may very well be illegal under Massachusetts General Laws as well as a By-Law violation.

Mr. Stanbury who was very cooperative and understanding, requested that I keep him updated as he has an event scheduled with Eastern Poker Tours Thursday (August 5th, 2010). Mr. Stanbury stated he did not want to cause any problems and if this *was in fact* an illegal operation, he would cancel it immediately. I advised this matter would be looked into promptly and I would have an answer for him as soon as possible.

1400 hrs- Received a copy of a letter at the station from Glen Stanbury. The letter was faxed to Mr. Stanbury by John Parente (Eastern Poker Tour) from the Law offices of, "Jeffrey B. Pine Esq," out of 321 South Main Street, suite 302, Providence, RI 02903, tel #401.351.8200

The letter was dated September 28, 2006, addressed to a Mr. Bradford Smith of 4 Brewster Dr., Warwick, RI 02889. The letter stated that Eastern Poker Tour - Massachusetts was not in violation of any Massachusetts laws/Statutes or applicable case law to conduct business in any Massachusetts community the conducting of the games by Eastern Poker Tour. The letter references Assistant Attorney General, "Daniel Ferrullo," as Attorney Pine's advisor and legal correspondence from the state of Massachusetts. The letter also indicated that Assistant Attorney General Ferrullo would communicate the decision in the letter to the local police chiefs in the towns in which Eastern Poker Tour was operating at the time. At no such time did Chief William Mulligan ever get notified by the Assistant Attorney General of Massachusetts to allow Eastern Poker Tours to conduct business in Tyngsborough.

*It is this officer's opinion that Assistant Attorney General Daniel Ferrullo has **no** personal knowledge of this letter addressed to Bradford Smith by Attorney Jeffrey Pine Esq., back on September 28, 2006"*

1420 hrs- I placed a call into the Massachusetts Attorney Generals Office and left a message for AAG Ferrullo (617.963.2115) to contact me as soon as possible.

## NARRATIVE FOR SERGEANT CHARLES CHRONOPOULOS

Ref: 10-666-OF

Entered: 08/04/2010 @ 1535      Entry ID: S3  
Modified: 08/04/2010 @ 1838      Modified ID: S3  
Approved: 08/04/2010 @ 1706      Approval ID: S3

1430 hrs- Contacted the Alcoholic Beverage Control Commission (617.727.3040) and spoke with investigator "Jan Kujawski." I informed Insp. Kujawski of the incident regarding Maximillians Billiards and Eastern Poker Tours. After hearing the entire incident from me, Insp. Kujawski stated that Eastern Poker Tours must be a non-profit charitable organization registered in Massachusetts. Eastern Poker Tours and Maximillians must possess a, "Bazaar," permit that only can be issued by the Town of Tyngsborough Board of Selectmen for each poker event. Eastern Poker Tours is *Not* a non-profit charitable organization nor did Maximillians or Eastern Poker Tours apply for a Bazaar Permit to conduct business. Ref: MGL C 271

I immediately contacted Glen Stanbury as requested. Mr. Stanbury apologized for any inconvenience and confirmed that there will be no event with Eastern Poker Tours on Thursday, August 5th, 2010 at Maximillians Billiards. Mr. Stanbury told me that he had no idea that this was an illegal operation and his intentions were not to disrespect the town in anyway.

This report will be forwarded to Chief William Mulligan. At this time I have not heard back from AAG Daniel Ferrullo.

Respectfully submitted,

Charles Chronopoulos  
Sergeant

MAXIMILLANS

July 30, 2010

MAXAMILLIANS BILLIARDS  
315 MIDDLESEX ROAD  
TYNGSBORO MA 01879

To Whom It May Concern:

I am writing this letter to advise you that the poker tournament you are running on Sunday and Thursday evenings is illegal. It is my intention to report this violation to the Alcohol and Beverage Commission within the next ten days.

I am extending you the courtesy of a warning. Eastern Poker Tour has told all their venues that it is legal. They say that they have a letter from the Attorney General's Office stating this. I have been in touch with the Attorney General's Office, there is no letter. I contacted them because Eastern Poker Tour tried to sell me on a poker night. It is a violation and places your liquor license in jeopardy. No fees may be charged in connection to poker, buffet or not. You may confirm this by calling the Attorney General's Office at 617-963-2115. The contact person is Dan Ferullo.

Please understand that there are many bars and restaurants running these poker tournaments. It puts the rest of us at a competitive disadvantage if you can run them and we cannot.

Sincerely,

Fair Competition Committee of MA

Cc: Tyngsboro Police Chief

"owner" Eastern Poker  
John Parente  
401-529-4572

Buffet Ticket to play Poker - \$15.00  
- NO payout is supposed to occur...

Tamara  
Kujawski

- Chief Investigator MAHONEY

LAW OFFICES OF  
**JEFFREY B. PINE Esq.**

A PROFESSIONAL CORPORATION

\*Jeffrey B. Pine  
Attorney Gsnm11993-1y99

321 South Main Street, Suite 302, Providence, RI 02903

TELEPHONE 401.351.8200 FAX 401.351.9032

www.pinelaw.com

Of Counsel

\* Harris K. Weiner  
Stephen J. Ryan

\*Admitted in Rhode Island  
and Massachusetts

September 28, 2006

Mr. Bradford Smith  
4 Brewster Dr.  
Warwick, Rhode Island 02889

**Re: Eastern Poker Tour-- Massachusetts**

Dear Brad:

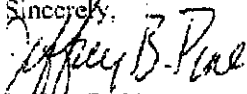
I have spoken with Assistant Attorney General Daniel Ferrullo as a follow-up to correspondence that I had sent him stating our position in this matter. I have pointed out that based on the criteria set forth in the Massachusetts statutes and the applicable case law, no violation was occurring, and that it would be an erroneous restraint of your right to conduct business if the State or municipality chose to shutdown the operation of your business in any Massachusetts community.

His response to me was that he has found no violation of Massachusetts law and would therefore not be initiating any further investigation or citation for the conducting of the games by Eastern Poker Tour. This is consistent with the position that was taken in Rhode Island also.

He indicated that he would be communicating this decision to the local police chiefs in the towns in which Eastern Poker Tour was operating at the time.

If you have any questions or if further issues develop, please contact me.

Sincerely,

  
Jeffrey B. Pine



Michael Gilleberto <mgilleberto@tyngsboroughma.gov>

## Fwd: poker tournaments at maximilians

William Mulligan <wmulligan@tyngsboroughma.gov>

Thu, Aug 12, 2010 at 8:46 AM

To: Michael Gilleberto <mgilleberto@tyngsboroughma.gov>, charles.zaroulis@verizon.net

Michael, Charles,

I received this email from Attorney Nicosia, I spoke to him this morning. I told him I would send this to you and Charles for a opinion if these tournaments are legal to run under the law and if they meet the licensing authority approval (BOS)

Thanks,

Chief

----- Forwarded message -----

From: Peter Nicosia <nicosia@nicosia-associates.com>

Date: Wed, Aug 11, 2010 at 4:00 PM

Subject: poker tournaments at maximilians

To: William Mulligan <wmulligan@tyngsboroughma.gov>

Cc: nicosia nicosia <nicosia@nicosia-associates.com>, "Charles J. Zaroulis" <charles.zaroulis@verizon.net>, gstanbury@me.com

Chief:

I hope all is well with you. I represent Maximilians and was made aware of the "cease and desist" letter sent regarding the poker tournament they were intending to hold hosted by Eastern Poker tours which is an independent vendor.

I have since spoken with Attorney Bill Kelly chief legal counsel for the ABCC as well as an Assistant Attorney General Patrick Moore along with legal counsel Jeff Pine for the poker tour itself about this particular type of poker tournament to be run by this establishment.

The way the tournament works is as follows:

1. There is no buy in by the players.
2. There is no betting of actual money during the games—they use poker chips but such chips do not need to be purchased.
3. There are indeed cash prizes awarded to the winners.
4. The liquor establishment pre-pays out of its own pocket approximately \$100 per table for Eastern to come in and hold the tournament. The liquor establishment then makes its money out of the players buying drinks and food. Easter makes its money out of the per table purchase price.

In 2005, the Attorney General's Office issued an Advisory Opinion on the subject because of the then rising popularity of these tournaments. You can find it at [www.mass.gov](http://www.mass.gov) and then type in "poker tournament" into the search area and this will be the first thing that pops up. The attorneys I mentioned above actually directed me to the link on the Attorney General's website. I have cut and pasted the same for you. Typically only non-profits can run poker tournaments that are deemed to be "lotteries" with a number of requirements including a local permit. However, when there is no "buy in" and no betting of actual "money" then such a tournament is not deemed to be a lottery—even if it pays a cash prize.

The last paragraph of this advisory opinion makes it very clear that this particular type of poker tournament does not qualify as a lottery and thus falls outside the necessity of the same being run by a non-profit or following the traditional rules for poker tournaments where there is a buy in or betting of cash etc.

Either you or Charles can call me with any questions. I would ask that the cease and desist letter be immediately revoked as the failure to allow this establishment to run this event will cause financial detriment. Thanks for your attention:

# Advisory on Poker Tournaments

## Advisory

June 30, 2005

The rising popularity of games such as Texas Hold'em and other forms of poker has led to an increase in poker tournaments, many of them organized by charities for fundraising purposes. For those who wish to hold such tournaments, this Advisory is intended as a guide to help distinguish between poker tournaments that are illegal and subject to prosecution in Massachusetts, and those that are legal.

Poker tournaments in Massachusetts are illegal if they violate either the lottery or betting prohibitions of the Massachusetts General Laws. This requires an analysis of two separate statutory provisions.

1. Section 7 of Chapter 271 generally prohibits lotteries. Lotteries involve games of chance in which contestants pay money or something else of value for the opportunity to win prizes. Assuming that poker is a game of chance, section 7 prohibits all poker tournaments in which players pay an entry fee or something else of value to play a game which offers prizes to the winner(s). The legislature has carved out one important exception to this broad prohibition. Qualifying nonprofit organizations are permitted to operate lotteries for fundraising purposes if they meet certain conditions and obtain a permit under section 7A of Chapter 271.

2. Section 17 of Chapter 271 prohibits anyone from registering bets, or buying or selling pools, on the result of poker hands, games or tournaments. Even a qualifying nonprofit organization cannot operate a poker tournament in which players or spectators bet money or anything else of value on hands, or in which prizes come from a pool of money or something else of value based on the number of people who play, or the amount of proceeds collected.

### **1. A poker tournament is illegal if it is operated as a lottery.**

Except for certain qualifying non-profit organizations that are issued a lottery permit under section 7A of Chapter 271 (discussed below in greater detail), it is illegal to set up or promote a lottery in which players pay to play a game where winning something of value is "dependent upon or connected with chance by lot, dice, numbers, game, hazard or other gambling device." G.L. c. 271, § 7. A game is an illegal lottery if:

- Players pay something of value to play the game. This includes players who are charged an entry fee, are required to make a charitable contribution, or bet money or anything else of value during the course of the game;
- The game is considered a game of chance; and
- Winning players receive something of value.

Even if the game involves some level of skill, it may still be a lottery. "The simplest form of lottery is, perhaps, a game depending wholly on chance in which the skill of the player is not a factor . . . . The mere fact that skill as well as chance may enter into a game, however, does not prevent it from being a lottery . . . . With reference to cases where both elements are present, the rule generally stated is that if the element of chance rather than that of skill predominates, the game may be found to be a lottery."<sup>1</sup> At least one court has ruled that under Massachusetts law, chance predominates over skill in video poker games and, as such, they are illegal lotteries.<sup>2</sup> Massachusetts appellate courts have not been called upon to determine whether traditional forms of poker are considered games of chance rather than skill.

Assuming that all forms of poker are games of chance, it is illegal to promote, operate or play in a poker tournament if a) players pay an entry fee, bet, or otherwise contribute something of value to play and b) prizes of cash or something else of value are awarded to winning players. The only exception to this

prohibition involves fundraising activities by certain nonprofit organizations issued lottery permits under section 7A of Chapter 271.

**Of course, if players do not pay an entry fee, bet, or otherwise contribute something of value to play in a poker tournament, it does not constitute a lottery. A poker tournament in which participants pay nothing to play (meaning players neither pay an entry fee nor bet money during the game) may award prizes to winning players.**

Peter J. Nicosia

978-649-4300

[nicosia@nicosia-associates.com](mailto:nicosia@nicosia-associates.com)

--  
William F. Mulligan  
Chief of Police  
Tyngsborough Police Department  
20 Westford Road  
Tyngsborough MA 01879  
(V) 978-649-7504  
(F) 978-649-2324

NOTICE-- This message is for the designated recipient only and may contain confidential, privileged or proprietary information. If you have received it in error, please notify the sender immediately and delete the original and any copy or printout. Unintended recipients are prohibited from making any other use of this e-mail. Be advised that the Attorney General has ruled that communication by e-mail in the public domain is not confidential. In compliance with Federal Rules of Civil Procedure (FRCP) all email communication will be archived and retained for at least three years.

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COMMONWEALTH OF MASSACHUSETTS

Town of Tyngsborough

This is to Certify that Maxamillians Billiards, Food, Spirit 315 Middlesex road  
Tyngsborough, MA

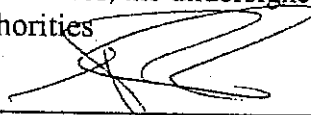
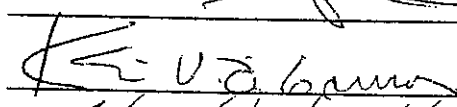
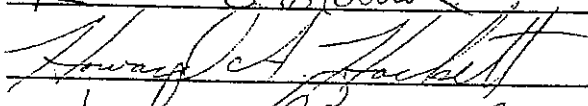
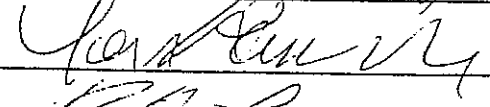
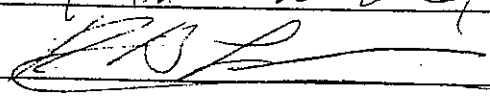
IS HEREBY GRANTED A  
WEEKDAY ENTERTAINMENT LICENSE

For the following purposes: TVs, Pool Tables, Radio

At the following described premises: By, strip mall, brick bldg with main entrance in front  
of the bldg. Two fire exits in rear. Premises will consist of 27 pocket billiard tables, 30 seat  
bar, seating area.

in said Town of Tyngsborough and at that place only and expires December thirty-first 2003  
unless sooner suspended or revoked for violation of the laws of the Commonwealth. This  
license is issued in conformity with the authority granted to the licensing authorities by  
General Laws, Chapter 140, and amendments thereto.

In Testimony Whereof, the undersigned have hereunto affixed their official signatures.  
Licensing Authorities

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_

Date Issued: 12/9/2002

License: WE39



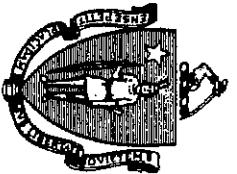
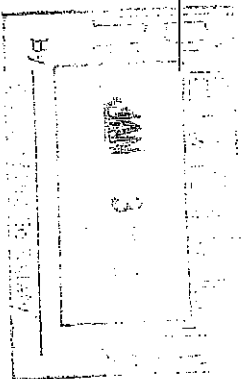
THE COMMONWEALTH OF MASSACHUSETTS

State Fee, \$ 425.00

Municipal Fee, \$ \_\_\_\_\_

Town of Tyngsborough  
**LICENSE**

for  
Public Entertainment on Sunday



Masamillians Inc  
(Name of licensee)

license for Auto Amusement Entertainment  
(Type of entertainment)

to be conducted at No. 315

Middlesex

on Sundays 11.10.12.13.14  
(Date)

Street.

The name of the establishment is

Masamillians Billiards & Sports

is hereby granted a

This license is granted and accepted, and the entertainment approved, upon the understanding that such entertainment will not commence before 1 P.M. and that the licensee shall comply with the laws of the Commonwealth applicable to licensed entertainments, and also to the following terms and conditions:

The licensee shall not advertise his place of amusement, or any performance or exhibition therein, by means of pictorial posters or placards of an obscene or indecent nature; shall not, in his place of amusement, allow any person to wear a head covering which obstructs the view of other spectators; shall at all times allow any person designated in writing by the Mayor, Board of Selectmen, or Commissioner of Public Safety, to enter and inspect his place of amusement and view the exhibitions and performances therein; shall permit regular police officers, detailed by the Commissioner of Public Safety or Chief of the local Police Department to enter and be about his place of amusement during performances therein; shall employ to preserve order in his place of amusement only regular or special police officers designated therefor by the Chief of Police, and shall pay to said Chief of Police for the services of the regular police officers such amount as shall be fixed by him; shall permit at all times to enter and be about his place of amusement such members of the Fire Department as shall be detailed by the Chief Engineer of the Fire Department to guard against fire; shall keep in good condition, so as to be easily accessible, such standpipes, hose, water pails, axes, chemical extinguishers and other apparatus as the Chief Engineer of the Fire Department may require; shall allow such members of the fire department, in case of any fire in such place, to exercise exclusive control and direction of his employees and of the means and apparatus provided for extinguishing fire therein; shall permit no obstruction of any nature in any aisle, passageway or stairway of the licensed premises, nor allow any person therein to remain in any aisle, passageway or stairway during an entertainment; and shall conform to any other rules and regulations at any time made by the Mayor or Board of Selectmen.

This license shall be kept on the premises where the entertainment is to be held, and shall be surrendered to any regular police officer or authorized representative of the Commissioner of Public Safety.

This license is issued under the provisions of Chapter 136 of the General Laws, as amended, and is subject to revocation at any time by the Mayor, Board of Selectmen, or Commissioner of Public Safety.

The following numbers shown on  
program submitted are not approved:

[Signature]  
[Signature]  
[Signature]  
Mayor or Selectmen

Do not write in this space

[Signature]

(Date)

(City or Town)

The undersigned, in accordance with chapter 136 of the General Laws, as amended, hereby requests a license for \_\_\_\_\_

(Insert Description of Entertainment)

(Name of Building)

**Licensee or**

Col A. Stanner

(Sign name legibly)

Andover MA

[illegible]

THE FEE OF \_\_\_\_\_ DOLLARS TO ACCOMPANY THIS APPLICATION AND PROGRAM WHEN FORWARDED TO THE COMMISSIONER OF PUBLIC SAFETY FOR APPROVAL.

*Board of Directors of the Greater Lowell Chamber of Commerce*

*Cordially invites you to join us in Congratulating  
Our Community Business Awards Recipients*

COMMUNITY AWARD FOR LARGE BUSINESS OF THE YEAR  
UPS

COMMUNITY AWARD FOR SMALL BUSINESS OF THE YEAR  
980WCAP

COMMUNITY AWARD FOR NON-PROFIT ORGANIZATION OF THE YEAR  
Folk Festival Foundation

*Speaker - Robert H. Nelson, District Director,  
U.S. Small Business Administration*

Thursday, September 23, 2010

Noon to 1:30pm

Radisson Hotels & Resorts

10 Independence Drive • Chelmsford, MA 01824

) per person includes a plated meal - \$400 (Table of 10)

*Your response is appreciated to the*

**Greater Lowell Chamber of Commerce**

on or before Sept. 17, 2010

By fax at 978-452-4145 or phone at 978-459-8154

**GREATER LOWELL  
CHAMBER OF COMMERCE**

131 Merrimack Street  
Lowell, MA 01852

2010 AUG 26 PM 1:20 MA

LOWELL, MA  
TYNESBOROUGH, MA.

PRSR. STD  
U.S. POSTAGE

PAID  
Permit No. 131  
Lowell, MA 01853

POSTALIA 352267

*Tom Hare  
25 Bryant's Lane  
Tynesboro, MA 01874*

**GREATER LOWELL  
CHAMBER OF COMMERCE**



*You're Invited!*

*Business Expo 2010  
Community Business Awards  
Luncheon*

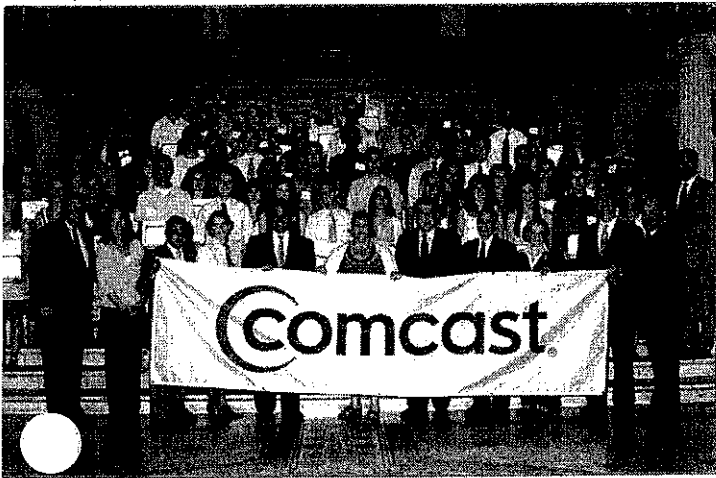
Sponsored by: **LowellBank**<sup>COOPERATIVE</sup>

# Comcast Connections

Power the Dream

Second Quarter 2010 | Comcast NorthCentral Division Update | Massachusetts Edition  
..... TYNES, BROOKLYN, MA .....

## Comcast Awards \$122,000 in Scholarships to Massachusetts Students



Comcast representatives and local elected officials awarded 112 Massachusetts students with scholarships on June 24 at the Massachusetts State House.

At a special ceremony at the Massachusetts State House on June 24, Comcast awarded 112 graduating high school seniors from Massachusetts with college scholarships in recognition of their academic achievement and commitment to community. And one additional deserving student, Jia Lei of Boston, received a surprise \$10,000 Comcast Founders Scholarship, named after Comcast founder Ralph Roberts, to provide an extra helping hand in paying for her college education. Comcast Corporation Executive Vice President David Cohen and Massachusetts Lieutenant Governor Timothy Murray were on hand, along with other Comcast representatives and local elected officials, to celebrate the students' achievements.

## Comcast Cares for Customers with New Guarantee

The recently introduced Comcast Customer Guarantee is the latest step in Comcast's ongoing commitment to better serve its customers. It clearly outlines what customers should expect from Comcast while also defining what the company is doing to hold itself accountable for meeting those expectations. "We're instantly reaching out and listening to our customers and

making improvements to let our customers know how much we respect and value them," said Steve Hackley, Senior Vice President of Comcast's Greater Boston Region. "It's great to see that customers are beginning to experience the changes we're making."

The Comcast Customer Guarantee consists of seven promises:

To give a 30-day, money-back guarantee on all Comcast services;

To be respectful and courteous of customers and their homes;

To answer customers' questions at their convenience 24 hours a day, seven days a week;

To offer easy-to-understand packages and provide a clear bill to customers;

To continually offer the best and most video choices;

6) To quickly address any problems that customers experience and if, after a first visit, the issue is not satisfactorily resolved, the company will extend a complimentary service. Additionally, the company will not charge customers for a service visit that results from a Comcast equipment or network problem; and

7) To schedule appointments at customers' convenience and be mindful of their time. If Comcast fails to arrive for a scheduled visit, the customer will receive a \$20 credit to his or her account.

## Comcast Connections: Power the Dream

Second Quarter 2010 | Comcast NorthCentral Division Update | Massachusetts Edition

### Comcast and One Economy Hold Graduation Ceremony Honoring 26 Comcast Digital Connectors



Comcast and One Economy held a special graduation ceremony at the Urban League of Springfield in June to honor a group of local youth who have completed the *Comcast Digital Connectors* program. Twenty-six students completed the vigorous program – a year-long technology learning and service initiative that teaches teens and young adults from diverse, low-income backgrounds how to use broadband technologies and how to put that knowledge to work in their communities. At the graduation, several students shared the experiences they gained from the program. Each student also received their own personal NetBook laptop, courtesy of Comcast, and the announcement was made that the *Comcast Digital Connectors* program will continue in Springfield next year.

Henry Thomas (front), President and CEO of the Urban League of Springfield and Doug Guthrie, Comcast Senior Vice President for the Western New England Region, hand out NetBook laptops to the *Comcast Digital Connectors* graduates.

### Massachusetts Customers Experience XFINITY



As technology continues to change the way people experience entertainment, Comcast is working hard to continuously improve that experience.

Launched throughout Massachusetts and in 10 other markets across the country earlier this year, Comcast's new technology platform called XFINITY is about bringing Comcast customers more – more HD, more Internet speed, more choice and more control over their services.

From television offerings like 100+ HD channels, foreign-language channels and 20,000+ VOD choices, to Internet speeds over 50 Mbps to thousands of TV shows and movies online for customers to watch whenever and wherever they want, Comcast's XFINITY offerings are a promise to customers that the company will continue innovating now and in the future.

### Comcast Partners with Boston Police to Help Catch Fugitives

Comcast has joined forces with the Boston Police Department to launch a new On Demand feature designed to help track down fugitives responsible for committing crimes in the Boston community and bringing them to justice. "Police Blotter On Demand," the first public service programming of its kind in Massachusetts, utilizes video-on-demand to expose dangerous criminals and make our neighborhoods safer.

Local digital cable customers can tune into "Police Blotter On Demand" to view regularly updated photographs and short descriptions of 16 different cases through the "Get Local" folder of the On Demand library. Each crime profiled on Police Blotter is either a wanted person or an unsolved case that the Boston Police Department is actively working to close.

# Comcast and the Boston Red Sox Unveil Expanded "Red Sox On Demand" Library

Comcast is celebrating baseball with another summer of "Red Sox On Demand" in partnership with the Boston Red Sox. "Red Sox On Demand" is once again delivering Sox fans exciting behind-the-scenes features, player profiles and notable moments on the field.

Highlights include a fielding clinic by Kevin Youkilis; Nomar Garciaparra's emotional retirement ceremony; a profile of outfielder Jeremy Hermida; "Home Run Heroes," which looks at some of the best hitters in team history; "My Name Is Ted Williams," a documentary that focuses on the legendary hitter's off-the-field interests such as fishing and a behind-the-scenes

look at the recent Run to Home Base community event at Fenway. This season of "Red Sox On Demand" also introduces a new category called "Fan Favorites" which will bring back some of the most popular "Red Sox On Demand" programs for fans to enjoy again.

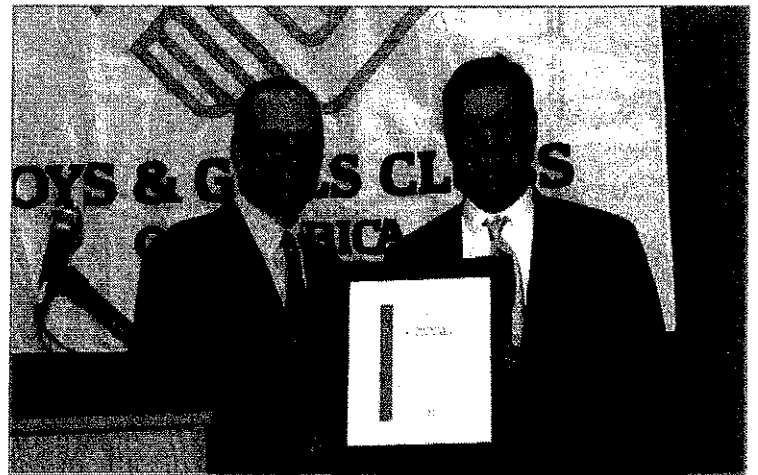
"Comcast has truly scored a home run with this terrific feature," said Sam Kennedy, Red Sox Executive Vice President and Chief Operating Officer.

## Comcast Receives Awards in Massachusetts

Comcast was recently recognized for best practices across Massachusetts.

Comcast's Western New England Region, which includes Western Massachusetts, received the 2009 Comcast Circle of Success System of the Year award. Each year, Comcast's 10 regions compete for this top honor, which is given to the system that goes above and beyond in improving the company.

Additionally, on June 9, Comcast's Greater Boston Region Video Productions & Services team was honored at the 88th Annual Meeting and Campaign Celebration of the United Way of Greater Plymouth. The team received a 2010 Circle of Caring campaign award in recognition of production work donated for the 2009 United Way Campaign video.



Pictured (left to right): Rick Metters, Executive Director of the Massachusetts Alliance of Boys & Girls Clubs, and Tim Murnane, Comcast Vice President of Government and Community Relations

Finally, Comcast Vice President of Government and Community Relations Tim Murnane accepted the National Award of Merit on behalf of Comcast at the Boys & Girls Clubs of America's 2010 Massachusetts Youth of the Year celebration dinner on April 29. Comcast received the national award for its support of Youth of the Year, donation of complimentary services and the volunteer work of hundreds of Comcast employees at Boys & Girls Clubs across the country. The dinner also recognized several members of the Boys & Girls Clubs of America for their leadership skills, academic achievement and outstanding service to their local clubs.



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676 Island Pond Road  
Manchester, NH 03109

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Board of Selectmen  
Town of Tyngsboro  
25 Bryant Ln  
Tyngsboro, MA 01879-1042



For more news on Comcast products, services and community initiatives in Massachusetts, follow Comcast New England on Facebook.

## Comcast Celebrates the Arrival of 3DTV with Golf, Soccer Broadcasts

As part of its commitment to driving innovation, Comcast has been at the forefront of 3D technology, offering movies and concerts in 3D On Demand. This year, when the Masters Tournament and the World Cup were broadcast in 3D for the first time, Comcast carried the broadcasts, providing the experience to customers with 3DTVs throughout Massachusetts and beyond.

In celebration of the stunning new technology, Comcast held several viewing parties in Boston and Springfield that were attended by elected officials such as Medford City Councilor Paul Camuso and Boston City Councilor Salvatore LaMattina and members of the media, including NECN's Billy Costa, Jim Braude and Jenny Johnson.



Steve Hackley, Senior Vice President for Comcast's Greater Boston Region, and Allyce Najimy, Executive Director of the Foundation to Be Named Later, view the Masters tournament in 3D at a viewing party in April.

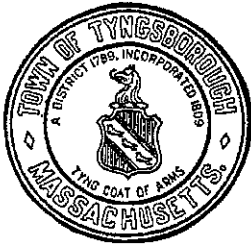


is published by the NorthCentral Division Community Relations Department, 676 Island Pond Road, Manchester, NH 03109. This newsletter is distributed to state and federal legislators municipal officials and other community leaders throughout Comcast's service area.

**Mark Reilly**  
Division Senior VP of  
Government and Regulatory Affairs

**Julie Galeota**  
Division Director of Community  
Investments





## TOWN OF TYNGSBOROUGH

Office of the Town Administrator

25 Bryants Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

E-mail: [mgilleberto@tyngsboroughma.gov](mailto:mgilleberto@tyngsboroughma.gov)

TO: Board of Selectmen

FROM: Michael P. Gilleberto, Town Administrator *MP*

DATE: August 27, 2010

SUBJECT: Town Administrator's Report for the weeks ending August 20 and August 27

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### Response to Selectmen's Requests

- I've met with Jay Finnegan to discuss the Board's recent request concerning the Senior Center at Wyndbrook. There are many issues at play concerning this matter, including a comprehensive permit for the development, commitments made to the 28 homeowners within the development, and the design of the development's footprint. Mr. Finnegan indicated that he does not see that changing the original proposal is feasible, but there is still information to be gathered and that work continues.
- Commonwealth Capital: preparation of our 2011 Commonwealth Capital application continues and will be finalized ahead of the deadline of August 30<sup>th</sup>. A current draft is attached. Thank you to the various departments that have assisted, including Building Inspector Mark Dupell.

### Budget Status

Tyngsborough has been awarded additional federal education dollars, which will funnel through the state. More information regarding the impact of these dollars is forthcoming.

### Departmental Information

- Building Inspector: upon notification that the Building Inspector will be leaving effective September 13, attached please find a job posting that I wish to advertise forthwith. **Approval is requested.**
- Attached please find a state Chapter 90 request for a resurfacing program on the east side of Town. The delineation is included. **Approval is requested.** Additionally, Jim Hustins and I are exploring a potential grant opportunity for additional public road improvements in town. Eligibility is still a question and we will be evaluating this with a consultant/engineer who has brought the matter to our attention. There will be no cost to the town.

- I am informed by Trinity Ambulance that service to the Town of Dunstable began last week. Our contract allows for the ambulance stationed on the west side of the river to respond to calls in Dunstable.
- Wiring and Plumbing/Gas Inspector: applications are coming in.
- Sewer Commission: The Sewer Commission has completed interviews of candidates for the position of Sewer Administrator.
- Highway: the Highway Department has secured a work zone safety trailer to be paid for with grant funding. The trailer will be delivered soon and will be available for all Town departments.
- I met with the School Superintendent last week. He indicated that to address the ongoing need for a work truck, the School Administration would like to re-allocate the funds approved for the purchase of a floor scrubber to pay for the purchase of the vehicle. As you know, the vehicle has failed inspection and is not safe to drive. This would require Town Meeting action.
- Additionally, the School Department will be bringing in their engineer to review alternatives for the Elementary School driveway. The Superintendent and I plan to gather information concerning the road as well as other outstanding needs for the Elementary School building. The balance available in remediation funds is presently \$363,169.11. Remediation needs are expected to surpass that amount. The intention is to bring all of this information to the Selectmen and School Committee in the coming months for discussion regarding prioritization and implementation.

#### Other

- Tyngsborough High School Teacher Kate Capistrano has secured grant funding for display boards. They measure 8x8 (two 4x8 panels). She would like to place these boards in Town Hall and to display student work on them. Approval is requested.
- Attached please find a Conservation Commission sign-off required by the state for flood plain adjustments to coincide with the Pawtucket Boulevard project. The Commission and Agent have approved. The state has been working with affected homeowners.
- I will be attending a regionalization conference this Thursday, September 2<sup>nd</sup>. I have also been confirmed to attend the Inspector General's Purchasing Class September 21-23.
- Online correspondence: the correspondence is scanned and posted online. Please note that while all correspondence is in your packets, some material that may contain personal identification as well as internal correspondence regarding legal and pre-policy matters is not posted online. Requests to view such information will continue to be honored by the Administration on a case-by-case basis in compliance with appropriate state and federal law.

## Fiscal Year 2011 Commonwealth Capital Application

Municipality:	TYNGSBOROUGH	Date:	8/18/2010
Contact Name:	Michael P. Gilleberto	Title:	Town Administrator
Contact Address:	25 Bryants Lane - Tyngsborough, MA 01879		
E-Mail:	mgilleberto@tyngsboroughma.gov	Phone:	978-649-2317

Municipal applicants will need to provide evidence of having met or made a binding commitment to the following criteria. Note: If electronic files were submitted to document compliance with the criteria last fiscal year (FY 10) these files should be referenced but need not be resubmitted with an FY11 application.

### PLAN FOR & PROMOTE LIVABLE COMMUNITIES & PLAN REGIONALLY (19)

1 **Current Master Plan** [OR Guidance](#) [Add Comments](#)

Executive Order 418 Community Development Plan; [OR Guidance](#) [Add Comments](#)

Current housing plan [AND](#) current DCS-approved Open Space and Recreation Plan; [OR Guidance](#) [Add Comments](#)

Current housing plan [OR](#) current DCS-approved Open Space and Recreation Plan [Guidance](#) [Add Comments](#)

1a **Commitment to complete a Master, 418, Housing, or Open Space & Recreation Plan by Dec. 31, 2011** [Guidance](#) [Add Comments](#)

1b **Funding or regulatory actions implementing 2 specific Plan recommendations since July 1, 2008** [Guidance](#) [Add Comments](#)

2 **Water resource plan: Source Water Protection, Water Conservation, Comprehensive Wastewater, or Integrated Water Resource Management** [Guidance](#) [Add Comments](#)

3 **Execution of a compact or MOU, provision of funding, or regulatory change to attain a regional or intergovernmental goal since July 1, 2008** [Guidance](#) [Add Comments](#)

4 **Adoption of the Community Preservation Act** [Guidance](#) [Add Comments](#)

Existing	Commit	NA
<input checked="" type="radio"/> (6)	<input type="radio"/> (0)	<input type="radio"/> (0)
<input type="radio"/> (4)	<input type="radio"/> (0)	<input type="radio"/> (0)
<input type="radio"/> (3)	<input type="radio"/> (0)	<input type="radio"/> (0)
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### ZONE FOR & PERMIT CONCENTRATED DEVELOPMENT AND MIXED USE (26)

5 **Zoning for by-right mixed-use in an applicable location** [Guidance](#) [Add Comments](#)

5a **If by-right mixed-use zoning is a DHCD approved 40R District or for Transit Oriented Development (TOD)** [Guidance](#) [Add Comments](#)

5b **Building permit issued for a mixed-use development since July 1, 2008** [Guidance](#) [Add Comments](#)

6 **Zoning for accessory dwelling units (ADU)** [Guidance](#) [Add Comments](#)

6a **Occupancy permit issued for at least one accessory dwelling unit since July 1, 2008** [Guidance](#) [Add Comments](#)

7 **Zoning allowing by-right multi-family dwellings (not age restricted)** [Guidance](#) [Add Comments](#)

7a **If zoning allows by-right multi-family dwellings of 4 or more units (not age restricted)** [Guidance](#) [Add Comments](#)

8 **Zoning for clustered development / Open Space Residential Development (OSRD)** [Guidance](#) [Add Comments](#)

8a **If cluster is mandated, by-right, or includes a density bonus** [Guidance](#) [Add Comments](#)

8b **A cluster development has been permitted since July 1, 2008** [Guidance](#) [Add Comments](#)

Existing	Commit	NA
<input checked="" type="radio"/> (4)	<input type="radio"/> (2)	<input type="radio"/> (0)
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### EXPAND HOUSING OPPORTUNITIES (20)

9 **Zoning requiring the inclusion of affordable units (IZ)** [Guidance](#) [Add Comments](#)

9a **Building permits issued for affordable units under an inclusionary bylaw/ordinance since July 1, 2008** [Guidance](#) [Add Comments](#)

10 **Increased housing stock by 50-99% or more of state goal** [Guidance](#) [Add Comments](#)

100% or more of state goal [Guidance](#) [Add Comments](#)

11 **66 % or more of new units produced using a listed smart growth technique** [Guidance](#) [Add Comments](#)

12 **Attainment of Housing Production certification (.5% of housing units)** [OR Guidance](#) [Add Comments](#)

Attainment of a Chapter 40B threshold [Guidance](#) [Add Comments](#)

13 **Production of housing units on municipal land or with municipal funding since July 1, 2008** [Guidance](#) [Add Comments](#)

Existing	Commit	NA
<input type="radio"/> (3)	<input type="radio"/> (1)	<input type="radio"/> (0)
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### MAKE EFFICIENT DECISIONS & INCREASE JOB AND BUSINESS OPPORTUNITIES (11)

14 **Redevelopment Strategy: (a) inventory, (b) remediation, revitalization, [or](#) reuse strategy, or (c) site planning** [Guidance](#) [Add Comments](#)

Existing	Commit	NA
<input type="radio"/> (4)	<input type="radio"/> (2)	<input type="radio"/> (0)

15 Approved 43D Priority Development Site or provision of a (a) financial, or (b) regulatory redevelopment incentive [Guidance](#) [Add Comments](#)

16 Adoption of permitting best practices [Guidance](#) [Add Comments](#)

### PROTECT LAND AND ECOSYSTEMS (21)

17 15-25% of town area protected [by a Chapter 184-type restriction or Article 97] **OR** [Guidance](#) [Add Comments](#)

25% or more of town area protected [Guidance](#) [Add Comments](#)

18 Land protected via a restriction or fee acquisition alone or with a land trust since July 1, 2008 [Guidance](#) [Add Comments](#)

19 Existence of an agricultural commission [Guidance](#) [Add Comments](#)

20 Adoption of a Right-to-Farm bylaw/ordinance [Guidance](#) [Add Comments](#)

21 Stewardship plan for a municipal forest [Guidance](#) [Add Comments](#)

22 Transfer of Development Rights (TDR) or other zoning for agricultural, forestry, or natural resource conservation [Guidance](#) [Add Comments](#)

### USE NATURAL RESOURCES WISELY (7)

23 Adoption of a bylaw, ordinance, or regulation that encourages the use of Low Impact Development (LID) to address stormwater [Guidance](#) [Add Comments](#)

24 Implementation of the 2006 Massachusetts Water Conservation Standards [Guidance](#) [Add Comments](#)

### PROMOTE CLEAN ENERGY (11)

25 Implementation of energy efficiency measures [Guidance](#) [Add Comments](#)

26 Production or purchase of renewable energy [Guidance](#) [Add Comments](#)

27 Clean energy regulations and incentives [Guidance](#) [Add Comments](#)

28 Designation as a Green Community [Guidance](#) [Add Comments](#)

### PROVIDE TRANSPORTATION CHOICE (9)

29 Regulations requiring or actions to facilitate bicycling and walking since July 1, 2008 [Guidance](#) [Add Comments](#)

30 Regulation requiring or completion of a context sensitive transportation project since July 1, 2008 [Guidance](#) [Add Comments](#)

31 Regulations requiring or implementation of innovative transportation measures since July 1, 2008 [Guidance](#) [Add Comments](#)

### ADVANCE EQUITY (6)

32 Actions that promote fair housing since July 1, 2008 [Guidance](#) [Add Comments](#)

33 Actions that promote environmental equity since July 1, 2008 [Guidance](#) [Add Comments](#)

### PROMOTE SUSTAINABLE DEVELOPMENT VIA OTHER ACTIONS (10)

34 Existence of or commitment to additional local measures or actions 2, 4, 6, 8, **OR** 10 [Guidance](#) [Add Comments](#)

See explanation above [Guidance](#) [Add Comments](#)

See explanation above [Guidance](#) [Add Comments](#)

See explanation above [Guidance](#) [Add Comments](#)

See explanation above [Guidance](#) [Add Comments](#)

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Existing	Commit	NA
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<input type="radio"/> (8)	<input type="radio"/> (0)	<input type="radio"/> (0)
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### Guidance on Bonus

FY 2011 Requested Total Score Existing and Commit Points (MAX 140) = **36**

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Original Application

Municipality: TYNGSBOROUGH Address: Town Hall - 25 Bryants Lane 01879 Date: 6/28/2006 12:03:00 PM

Name/Title: Rosemary Cashman Town Administrator Email: rcashman@tyngsboroughma.gov Phone: 978-649-2317

Municipal applicants will need to provide evidence of having met or made a binding commitment to the following criteria.

PLAN FOR & PROMOTE LIVABLE COMMUNITIES (14)		Existing	Commit
1	Current Master Plan or Executive Order 418 Community Development Plan	(5) ●	(3) ○
	Master Plan was approved by Town Meeting on 6/15/04.		
1a	Funding or regulatory action implementing a specific plan recommendation since July 1, 2004	(3) ●	(1) ○
	Economic Development Committee was established. \$50,000 State grant was obtained. Economic Development Plan has been written by 6/30/06.		
2	Adoption of the Community Preservation Act	(3) ●	(2) ○
	Town has adopted CPA.		
3	Actions to facilitate bicycling and walking	(3) ○	(2) ○
ZONE FOR & PERMIT COMPACT DEVELOPMENT (38)		Existing	Commit
4	Zoning for mixed-use in an applicable location	(5) ○	(3) ○
4a	If mixed-use zoning is a DHCD approved 40R District or for Transit Oriented Development	(3) ○	(2) ○
4b	Building permit issued for a mixed-use development since July 1, 2003	(2) ○	(0) ○
5	Zoning for accessory dwelling units	(3) ●	(2) ○
	Zoning By-law section 4.15.00 allows for creation of temporary independent living quarters in residential district to help house members of extended families. Special Permit by Planning Board.		
5a	Occupancy permit issued for at least one accessory dwelling unit since July 1, 2004	(2) ●	(0) ○
	Occupancy permit issued 4/24/06 for 700 s.f. of temporary independent living quarters.		
6	Zoning allowing by-right multi-family dwellings (not age restricted)	(4) ○	(2) ○
6a	If zoning allows by-right multi-family dwellings of 4 or more units (not age restricted)	(3) ○	(2) ○
7	Zoning for clustered development	(5) ●	(3) ○
	Zoning By-law section 4.14.00 - Open space residential development with permit from Planning Board and approval of Town Meeting. This allows optional scheme of development to encourage preservation of land, preservation of historical resources, protection of water supply, and promotion of sensitive siting of buildings.		
7a	If cluster is mandated, by-right, or includes a density bonus	(3) ○	(2) ○
7b	A cluster development has been permitted since July 1, 2003	(3) ○	(0) ○
8	Zoning for Transfer of Development Rights (TDR)	(3) ○	(2) ○
8a	Utilization of TDR since July 1, 2003	(2) ○	(0) ○
EXPAND HOUSING OPPORTUNITIES (33)		Existing	Commit
9	Current housing plan	(4) ●	(2) ○
	Three housing projects are being constructed under Chapter 40B. More than 100 units of affordable housing are expected to result.		
9a	Achieved municipal goal for production of new units	(2) ○	(0) ○
10	Increased housing stock by 30-49% of state goal <u>OR</u>	(2) ○	(0) ○
	50-99% of state goal <u>OR</u>	(4) ○	(0) ○
	100% or more of state goal	(7) ○	(0) ○
10a	30-49% of new units produced using mixed use (including 40R & TOD), cluster, TDR, multi-family, and/or conversion/redevelopment <u>OR</u>	(2) ○	(0) ○
	50-69% of new units <u>OR</u>	(4) ○	(0) ○
	70% or more of new units	(7) ○	(0) ○
11	20% or more of single-family building permits issued were for homes on lots of 1/4 acre or less	(2) ○	(0) ○
12	Attainment of Planned Production certification (.75% of housing units) <u>OR</u>	(4) ○	(0) ○
	Attainment of the Chapter 40B 10% threshold	(5) ○	(0) ○
13	Funding for the rehabilitation of housing units since July 1, 2003	(3) ○	(0) ○
14	Production of housing units on municipal land or with municipal funding since July 1, 2003	(3) ○	(2) ○
REDEVELOP SITES AND BUILDINGS (8)		Existing	Commit
15	Planning: (a) inventory, (b) remediation, revitalization, or reuse strategy, or (c) site planning	(4) ○	(2) ○
16	Incentives: (a) funding, (b) tax, or (c) regulatory	(4) ○	(2) ○
CONSERVE NATURAL RESOURCES (11)		Existing	Commit
17	Current DCS-approved Open Space and Recreation Plan	(4) ●	(2) ○
	Town has an approved Open Space and Recreation Plan.		
18	15-25% of town area protected [by a Chapter 184-type restriction or Article 97] <u>OR</u>	(2) ○	(0) ○
	25% or more of town area protected	(3) ○	(0) ○
19	Land protected via a restriction or fee acquisition alone or with a land trust since July 1, 2003	(4) ○	(0) ○

Original Application

Municipality: TYNGSBOROUGH Address: Town Hall - 25 Bryants Lane 01879 Date: 6/28/2006 12:03:00 PM

Name/Title: Rosemary Cashman Town Administrator Email: rcashman@tyngsboroughma.gov Phone: 978-649-2317

Municipal applicants will need to provide evidence of having met or made a binding commitment to the following criteria.

ADVANCE SOUND WATER POLICY (14)		Existing	Commit
20	Water resource plans: Source Water Protection, Water Conservation, or Comprehensive Wastewater	(5) ●	(2) ○
	The Tyngsborough Water District has performed a master plan update on the water system. in Mail		
21	Water resource protection measures: zoning, enterprise accounts, stormwater or LID bylaw/ordinance, or other innovative measures	(5) ●	(2) ○
	The Town has a Sewer Enterprise Fund.		
22	Water conservation actions consistent with the state's Water Conservation Standards	(4) ○	(1) ○
SUSTAIN WORKING NATURAL LANDSCAPES (12)		Existing	Commit
23	Existence of an agricultural commission	(3) ○	(1) ○
24	Approved stewardship plan for a municipal forest	(2) ○	(1) ○
25	Bylaw/ordinance affirming the right to farm	(4) ○	(2) ○
26	Zoning for agricultural and/or forestry preservation	(3) ○	(2) ○
PROMOTE SUSTAINABLE DEVELOPMENT VIA OTHER ACTIONS (10)		Existing	Commit
27	Existence of or commitment to local measures or actions	(2) ●	(0) ○
	a) The Recycling Committee hired a person to drive around town on rubbish/recycling days to determine compliance with recycling laws. Those in non-compliance were sent notices about recycling. b) The Town is working with surrounding towns on developing a Merrimack Valley Regional Housing Consortium to share resources and develop more affordable housing.		
		(4) ○	(0) ○
		(6) ○	(0) ○
		(8) ○	(0) ○
		(10) ○	(0) ○
BONUS - 1 POINT FOR EVERY FISCAL YEAR 2005 COMMITMENT IMPLEMENTED: 0			
No previous year's commitments found			
TOTAL: EXISTING, COMMIT AND BONUS POINTS (MAXIMUM 140)			
Total Requested Score: 41			

## **Town of Tyngsborough Job Posting**

### **Position: Building Commissioner / Zoning Enforcement Officer**

The Town of Tyngsborough is seeking applicants for the position of Building Commissioner / Zoning Enforcement Officer. This is a full time position, with an annual salary range of up to \$64,753. Applicant must be state certified as an Inspector of Buildings/Building Commissioner possess an unrestricted construction supervisor's license, and possess a valid Massachusetts driver's license. An emphasis will also be placed on customer service skills. Job description is available in the Selectmen's Office at 25 Bryants Lane. Send resume and cover letter to Town Administrator Michael Gilleberto, 25 Bryants Lane, Tyngsborough, MA 01879. Position is open until filled. EOE.



## Chapter 90 PROJECT REQUEST

Classification:

M.A. # 0051004

Primary Road

Local Road

x

City/Town

Tyngborough

Location(s)

Norris Road, Long Pond Road, Parham Road, Westford Road (one section per road)

Length:

12968

Feet

Width:

Avg. 24

Feet

Project Type:

Construction

Reconstruction

Resurfacing

x

Improvement

Other:

TYPICAL SECTION DETAILS: State depths, special treatments, etc., and include sketch for Construction/Improvement Projects.

Surface: 1 1/2 Level Coat, 1 1/2 Overlay

Base Course: Brox Industries will perform work per annual town bid

Foundation:

Shoulders/Sidewalks:

## SCOPE OF WORK:

Level and overlay four (4) sections of road; cut, trim and sweep key ways and driveways; police details and anticipated Highway Department overtime; estimated time for start to finish: 6 days

Work to be done: Force Account X Advertised Contract \_\_\_\_\_ Other: \_\_\_\_\_

Estimated Cost (Attach estimate and list funding sources)

\$ 413,843.22

\*These funds will pay 75% of Local Road Project costs to the limit of this assignment; the municipality to fund the balance. Funds provided from Ch. 33 of 1991 or Ch. 133 of 1992 will pay 100% of project costs to the limit.

## CERTIFICATION

The design, engineering, construction and future performance of the project, including maintenance, is the responsibility of the Municipality. The proposed work will conform to recognized engineering practices and construction methods.

I/We certify to the following: that the project is on a public way, and any necessary land takings have been made; that all materials will comply with approved established specifications; that all weights and quantities will be accurate; that equipment rental rates are those established by the Massachusetts Highway Department or the advertised low bid; that all documentation will be checked for accuracy, and will be endorsed in accordance with municipal procedures for accountability.

PREPARED &amp; REVIEWED BY:

Signed \_\_\_\_\_

Highway Officer's Title

Date

Road Classification Verified \_\_\_\_\_

Approved for \$

@

%

District Highway Director

Date

Signed \_\_\_\_\_

duly authorized

Date: \_\_\_\_\_



Mass. Highway District No. 4

Construction \_\_\_\_\_ Resurfacing x Improvement \_\_\_\_\_ Other \_\_\_\_\_

[illegible]

It is recognized that the purpose of this information is to assist the Massachusetts Highway Department in approving the Chapter 90 Project Request Form (of which this is a part). Accordingly, the information provided here is intended to be complete and correct with no intentional errors or material omissions. Any action taken by Mass. Highway on the basis of this information shall not legally or financially obligate Mass. Highway to support or defend the municipality, and the municipality shall save harmless Mass. Highway for any action.



CH90EPLFORM



## Town of Tyngsborough

Highway Department  
89 Kendall Road, P.O. Box 403  
Tyngsborough, MA 01879  
978-649-2310

### Description of Project

#### **Four (4) various roads: Norris Road, Long Pond Road, Parham Road, Westford Road (1 section per road)**

1. Norris Road from Long Pond Road to Lawrence Road.

4568' x 24' (+/-) = 11,675 Sq. Yds.

Approximately 1 1/2" Shim: 1015 tons @ 61.49/ton = \$62,412.35

Approximately 1 1/2" overlay: 1015 tons @ 61.49/ton = \$62,412.35

Total: **\$124,824.70**

2. Long Pond Road from Hudson, NH line to House #55

2450' x 24' (+/-) = 7,080 Sq. Yds.

Approx. 1 1/2" Shim: 615 Tons @ 61.49/ton = \$37,816.35

Approx. 1 1/2" Overlay: 615 Tons @ 61.49/ton = \$37,816.35

Total: **\$75,632.70**

3. Parham Road from Long Pond Road to House #93

450' x 24' (+/-) = 1300 Yds.

Approx. 1 1/2" Shim: 115 tons @ 61.49/ton = \$7,071

Approx. 1 1/2" Overlay: 115 tons @ 61.49/ton = \$7,071

Total: **\$14,142.70**

4. Westford Road from Chestnut Road to the Westford Line

5,500 x 24 (=/-) = 12,833 Yds

Approx. 1 1/2' Shim: 1120 tons @ 61.49/ton = \$68,868.80

Approx. 1 1/2' Shim: 1120 tons @ 61.49 tons = \$68,868.80

Total: **\$137,737.60**

5. Police Details for 8 days (2 officers)	
\$790.00 per day x 8 days	\$ 6,327.52
** Police detail rate schedule is enclosed.	
6. Clean out and sweep all Keyways	
2 Days @ \$3,500.00 per day	\$ 7,000.00
7. Highway Department Overtime (if needed)	
Two (2) Employees	Amt. not yet known
8. Tack Coating for Hot Top – 1,000 gallons	
\$4.50 per gallon	\$ 4,500.00
9. Structures	
Twenty-three (23) Catch Basin Risers	
\$155.00 each	\$ 3,565.00
Seven (7) Sewer Cover risers	
\$159.00 each	\$ 1,113.00
10. 10% Contingency	\$ 39,000.00
Total Projected Cost	\$413,843.22

**U.S. DEPARTMENT OF HOMELAND SECURITY - FEDERAL EMERGENCY MANAGEMENT AGENCY  
OVERVIEW & CONCURRENCE FORM**

O.M.B No. 1660-0016  
Expires: 12/31/2010

**PAPERWORK BURDEN DISCLOSURE NOTICE**

Public reporting burden for this form is estimated to average 1 hour per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the needed data, and completing, reviewing, and submitting the form. You are not required to respond to this collection of information unless a valid OMB control number appears in the upper right corner of this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing this burden to: Information Collections Management, U.S. Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW, Washington DC 20472, Paperwork Reduction Project (1660-0016). Submission of the form is required to obtain or retain benefits under the National Flood Insurance Program. **Please do not send your completed survey to the above address.**

**A. REQUESTED RESPONSE FROM DHS-FEMA**

This request is for a (check one):

- ☒ **CLOMR:** A letter from DHS-FEMA commenting on whether a proposed project, if built as proposed, would justify a map revision, or proposed hydrology changes (See 44 CFR Ch. 1, Parts 60, 65 & 72).
- ☐ **LOMR:** A letter from DHS-FEMA officially revising the current NFIP map to show the changes to floodplains, regulatory floodway or flood elevations. (See 44 CFR Ch. 1, Parts 60, 65 & 72)

**B. OVERVIEW**

1. The NFIP map panel(s) affected for all impacted communities is (are):

Community No.	Community Name	State	Map No.	Panel No.	Effective Date
Ex: 480301 480287	City of Katy Harris County	TX TX	480301 48201C	0005D 0220G	02/08/83 09/28/90
250220	Town of Tyngsborough	MA	250220	0003B	9/2/1982
250220	Town of Tyngsborough	MA	250220	0004B	9/2/1982

2. a. Flooding Source:

- b. Types of Flooding: ☒ Riverine ☐ Coastal ☐ Shallow Flooding (e.g., Zones AO and AH)  
☐ Alluvial fan ☐ Lakes ☐ Other (Attach Description)

3. Project Name/Identifier:

4. FEMA zone designations affected: (choices: A, AH, AO, A1-A30, A99, AE, AR, V, V1-V30, VE, B, C, D, X)

5. Basis for Request and Type of Revision:

a. The basis for this revision request is (check all that apply)

- ☐ Physical Change ☐ Improved Methodology/Data ☐ Regulatory Floodway Revision ☐ Base Map Changes  
☐ Coastal Analysis ☐ Hydraulic Analysis ☐ Hydrologic Analysis ☐ Corrections  
☐ Weir-Dam Changes ☐ Levee Certification ☐ Alluvial Fan Analysis ☐ Natural Changes  
☒ New Topographic Data ☐ Other (Attach Description)

Note: A photograph and narrative description of the area of concern is not required, but is very helpful during review.

b. The area of revision encompasses the following structures (check all that apply)

- Structures: ☐ Channelization ☐ Levee/Floodwall ☐ Bridge/Culvert  
☐ Dam ☐ Fill ☐ Other (Attach Description)

**C. REVIEW FEE**

Has the review fee for the appropriate request category been included?

☐ Yes

Fee amount: \$\_\_\_\_\_

☒ No, Attach ExplanationPlease see the DHS-FEMA Web site at [http://www.fema.gov/plan/prevent/fhm/fm\\_fees.shtm](http://www.fema.gov/plan/prevent/fhm/fm_fees.shtm) for Fee Amounts and Exemptions.**D. SIGNATURE**

All documents submitted in support of this request are correct to the best of my knowledge. I understand that any false statement may be punishable by fine or imprisonment under Title 18 of the United States Code, Section 1001.

Name:

Company: Massachusetts Department of Transportation

Mailing Address:

10 Park Plaza, Boston, MA 02116

Daytime Telephone No.:

Fax No.:

E-Mail Address:

Signature of Requester (required):

Date:

As the community official responsible for floodplain management, I hereby acknowledge that we have received and reviewed this Letter of Map Revision (LOMR) or conditional LOMR request. Based upon the community's review, we find the completed or proposed project meets or is designed to meet all of the community floodplain management requirements, including the requirement that no fill be placed in the regulatory floodway, and that all necessary Federal, State, and local permits have been, or in the case of a conditional LOMR, will be obtained. In addition, we have determined that the land and any existing or proposed structures to be removed from the SFHA are or will be reasonably safe from flooding as defined in 44CFR 65.2(c), and that we have available upon request by FEMA, all analyses and documentation used to make this determination.

Community Official's Name and Title:

Matthew S. Harro Conservation Director

Community Name:

Tyngsborough

Mailing Address:

25 Bryant Lane  
Tyngsborough, MA 01875

Daytime Telephone No.:

978-244-2310

Fax No.:

E-Mail Address:

mharro@TyngsboroughMA.gov

Community Official's Signature (required):

Date:

8-23-10

**CERTIFICATION BY REGISTERED PROFESSIONAL ENGINEER AND/OR LAND SURVEYOR**

This certification is to be signed and sealed by a licensed land surveyor, registered professional engineer, or architect authorized by law to certify elevation information data, hydrologic and hydraulic analysis, and any other supporting information as per NFIP regulations paragraph 65.2(b) and as described in the MT-2 Forms Instructions. All documents submitted in support of this request are correct to the best of my knowledge. I understand that any false statement may be punishable by fine or imprisonment under Title 18 of the United States Code, Section 1001.

Certifier's Name:

License No.:

Expiration Date:

Company Name:

Telephone No.:

Fax No.:

Signature:

Date:

Ensure the forms that are appropriate to your revision request are included in your submittal.

**Form Name and (Number)****Required if ...**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Riverine Hydrology and Hydraulics Form (Form 2) | New or revised discharges or water-surface elevations   |
| <input type="checkbox"/> Riverine Structures Form (Form 3)                          | Channel is modified, addition/revision of bridge/culverts, addition/revision of levee/floodwall, addition/revision of dam |
| <input type="checkbox"/> Coastal Analysis Form (Form 4)                             | New or revised coastal elevations   |
| <input type="checkbox"/> Coastal Structures Form (Form 5)                           | Addition/revision of coastal structure  |
| <input type="checkbox"/> Alluvial Fan Flooding Form (Form 6)                        | Flood control measures on alluvial fans   |

Seal (Optional)

Print Name

## Attachment to MT-2 Form 1

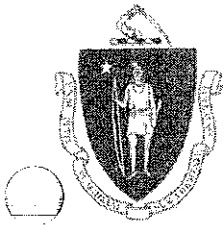
### **Section B. Review Fee**

The Massachusetts Department of Transportation has conducted recent topographic survey of Route 113 and the surrounding terrain. The topographic survey identifies that the extent of the statistical 100 year storm event is inaccurately portrayed on existing NFIP maps, and therefore, the LOMR request is Fee Exempt.\*

### **\*Fee Exemptions for Map Change Requests**

In accordance with Section 72.5 of the NFIP regulations, review and processing fees are not required for the following types of map change requests:

- Map changes based on mapping or study analysis errors;
- Map changes based on the effects of natural changes within the Special Flood Hazard Area (SFHA);
- Requests for LOMAs;
- Federally sponsored flood-control projects where 50 percent or more of the project's costs are federally funded;
- Map changes based on detailed hydrologic and hydraulic studies conducted by Federal, State, or local agencies to replace approximate studies conducted by FEMA and shown on the effective Flood Insurance Rate Map (FIRM); and
- Map changes based on flood hazard information meant to improve upon that shown on the flood map or within the flood study. *NOTE: Improvements to flood maps or studies that partially or wholly incorporate manmade modifications within the SFHA will not be exempt from fees.*



DEVAL L. PATRICK, GOVERNOR  
TIMOTHY P. MURRAY, LT. GOVERNOR  
JEFFREY B. MULLAN, SECRETARY & CEO  
LUISA PAIEWONSKY, ADMINISTRATOR



August 24, 2010

**SUBJECT:** *Tyngsborough - Route 113 Letter of Map Revision Request*  
Project File No. 603823  
Federal Aid No. (XXX-XXXX(XXX))

Sam Ward  
STARR  
6110 Frost Place  
Laurel, MD 20707

Dear Mr. Ward,

As discussed in the attached letter from Timothy Dexter, MassDOT, to Mike Goetz, FEMA, the extent of the 100 year storm event is inaccurately shown on existing NFIP maps along Route 113 in Tyngsboro, Massachusetts. To complete your review, you have requested additional information in email August 13, 2010. The required information has been addressed as follows:

1) *Complete MT-2 Application/Certification Form*

Please find attached completed MT-2 Application/Certification Form. The form has been signed by the requestor (MassDOT), the community (City of Tyngsborough), and a registered Professional Engineer.

2) *Certification of the topographic mapping.*

Certification of the topographic mapping was mailed on 8/17/10 and sent electronically on 8/20/10.

3) *Certification that there is no hydraulic connection between the Merrimack River and the overbank area which will be removed with the LOMR request.*

The 100-year flood conveyed by the Merrimack River will inundate Route 113 near the river's confluence with Lawrence Brook. The operative 100-year flood stage at that location is about 104.5 feet, NAVD. The new topo indicates that a 104.5 foot contour extends about 895 feet westward from the confluence location along the Route 113 centerline. On the new topo, this spot is located near the western boundary of 56 Pawtucket Boulevard. This "finger" of floodplain is vertically isolated from the Merrimack River's mainstem 100-year flood profile by Route 113's southern embankment.

Over the next 170 feet to the west of the terminus of the 104.5 foot contour, Route 113's vertical

profile rises to about 105.5 feet, NAVD. On the new topo, this spot is located near the western boundary of 54 Pawtucket Boulevard. This is indeed a fortunate circumstance in that, over the next 300 feet west, the grade of Route 113's northern embankment slopes downward into a shallow depression with a bottom elevation of 104.0 feet. The bottom line here is that there does not appear to be any topographic path by which the Merrimack's 100-year floodplain can spread any further west along Route 113's alignment than the 104.5 foot contour terminus at 56 Pawtucket Boulevard.

Lastly, there is an existing drainage outlet at Station 336+00 of the attached Utility Plan. The outlet at this existing closed drainage system at the southern end of the project is well below the 100 year flood elevation, but the lowest catch basin (CB) rim elevation within that system is 105.25, so the drainage system does not have any ability to convey the 100 year flood through that system. Therefore, MassDOT certifies that there is no hydraulic connection for the statistical 100 year flood event between the Merrimack River and the overbank area which will be removed with the LOMR request

If you have any questions regarding the submission, or if you require additional information, please feel free to contact the Project Manager, Carrie Lavalley, P.E. at (617) 973-8834.

Sincerely,

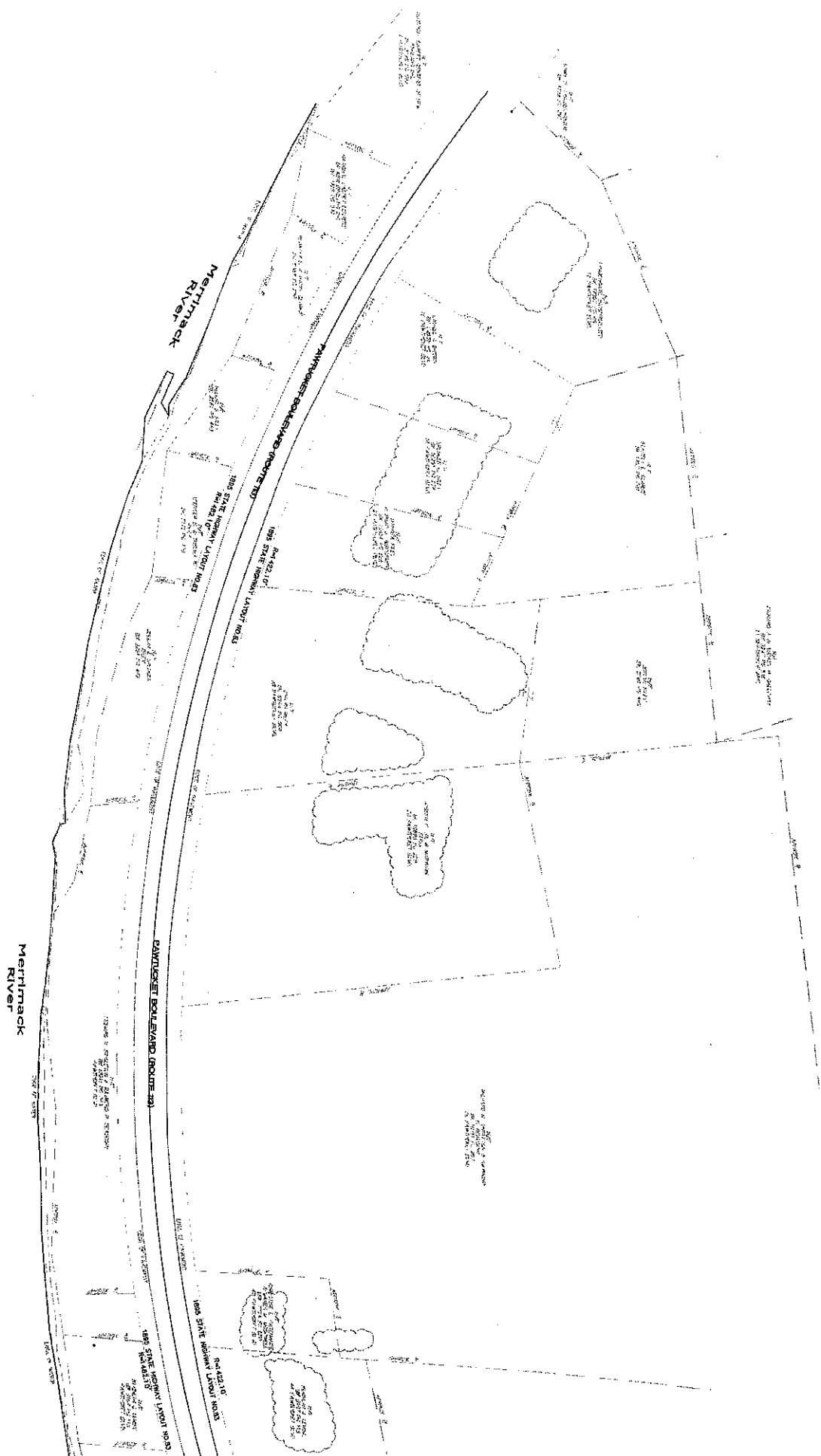
Frank A. Tramontozzi, P.E.  
Chief Engineer  
MassDOT, Highway Division

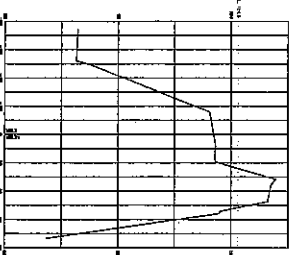
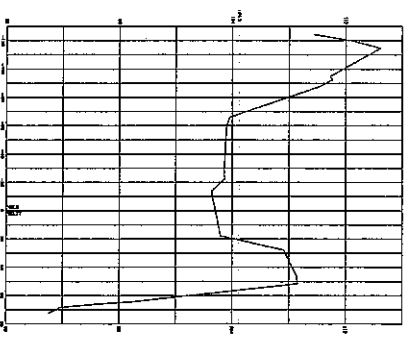
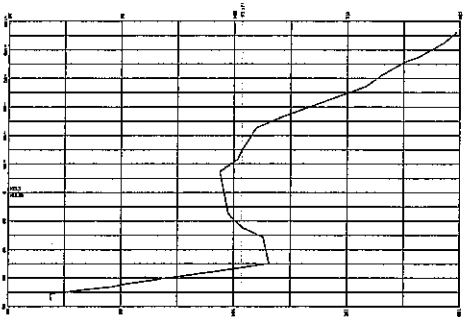
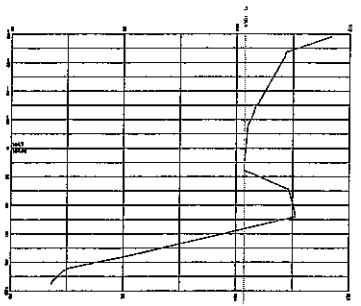
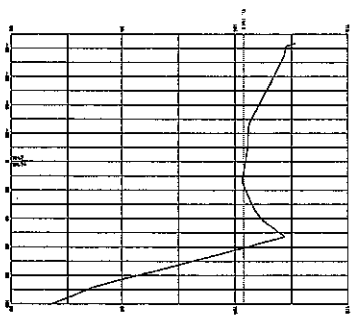
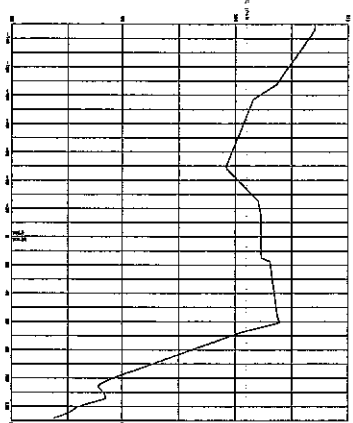
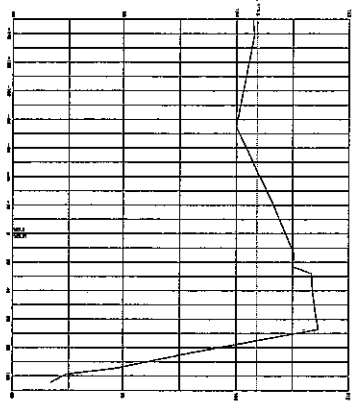
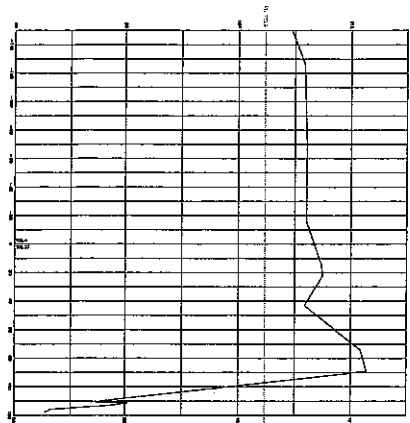
FAT/td

Enclosures

cc: P. Leavenworth, District 4 Highway Director  
K. Walsh, Director of Environmental Services  
R. Murphy, Hydraulics Engineer





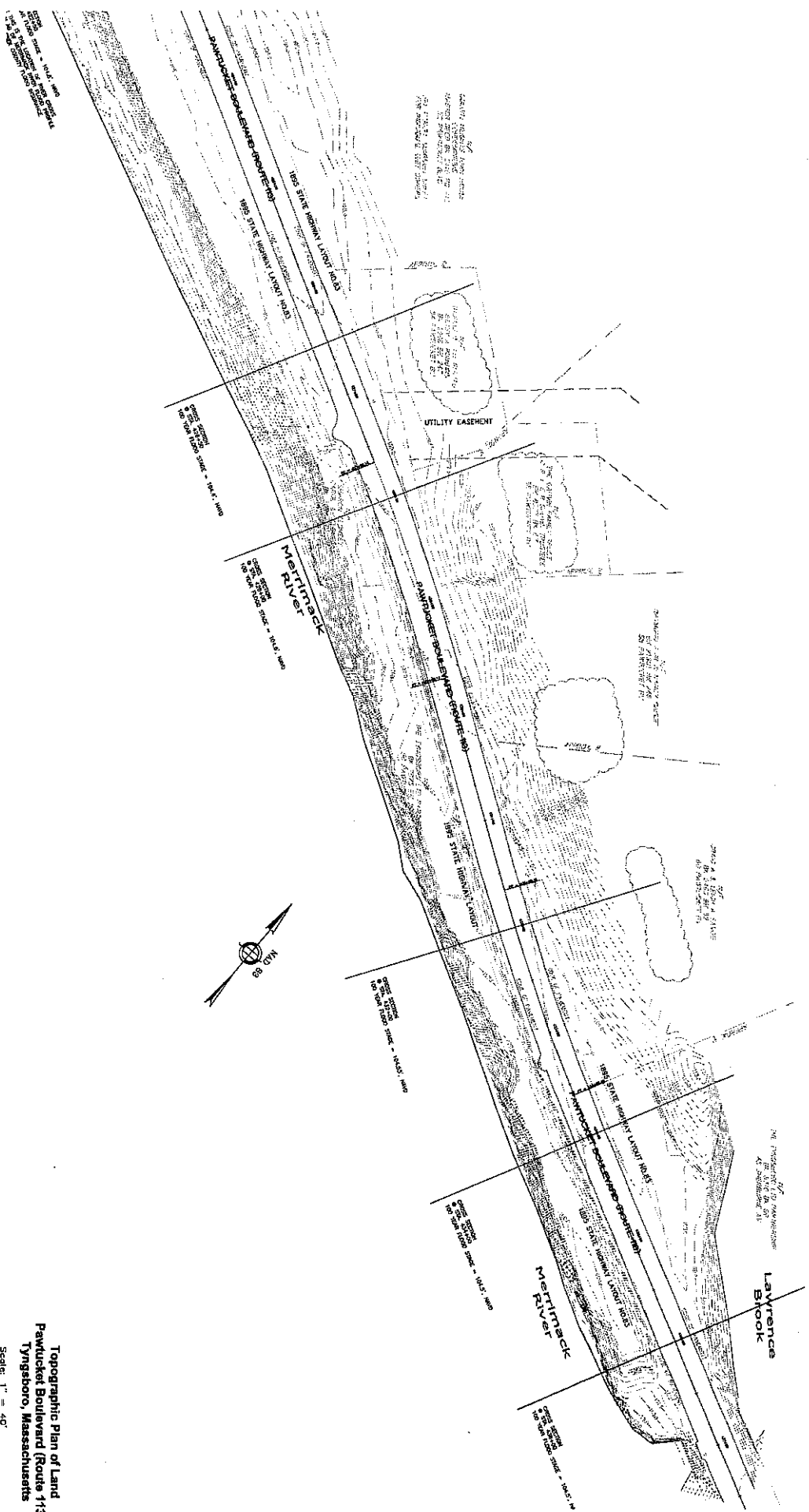


Horizontal Scale: 1" = 40'  
Vertical Scale: 1" = 4'

Selected Cross Sections  
Pawtucket Boulevard (Route 113)  
Tyngsborough, Massachusetts

Date: July 23, 2010

**MASSDOT**  
Massachusetts Department of Transportation  
100 Water Street, Room 7410  
Boston, MA 02116



**Topographic Plan of Land  
Pawtucket Boulevard (Route 113)  
Tynngboro, Massachusetts**

Scale: 1" = 40'  
Date: July 2, 2010

Plan prepared by:

CCS Associates  
Civil Engineer & Land Surveyors  
40 Mount Avenue,  
Quincy, MA  
Phone: 781-358-6505